

THE ~~Fourth Edition~~
Clerks Tutor
IN ~~the Office of~~
CHANCERY

Giving true Directions by ~~John Smith~~

Authentick Precedents,

How to draw *Affidavits, Petitions, Interlocutory-Orders, Reports before Masters, Bills, Answers, Pleas and Demurrers*; with such *Process, Proceedings*, and other *Instruments* relating thereunto, as are now in use in that High and Honourable Court.

To which is prefixt

An *Introduction*, with some *Cases of Note* lately Adjudged, and several *New Orders* made, for the Regulating the Practice thereof.

The Second Edition with Large Additions.

L O N D O N,

Printed by the Assigns of *Rich. and Ed. Atkin* Esquires,
For *Henry Doulcock*, at the *Phoenix* in *St. Paul's Church-yard*, 1694.

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Imprimatur,

January 18th.
1686.

Hen. Bedingfield.

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250...83

TO

The Right Honourable

GEORGE

Lord Jeffereys,

Baron of *Wem*, Lord High Chancellor
of *England*, and one of the Lords
of His Majesty's most Honourable
Privy Council.

My Lord,

I Humbly lay my Endeavours in this
Collection at your Honours Feet, as
the only Personage can give them
Protection, in regard they are the Off-
springs of that Court, wherein your
Lordship most deservedly Presides as
Superintendant, and who alone can with
the least smile, or favourable look, make

A 3

them

The Epistle Dedicatory.

them Denizens throughout His Majesties Dominions.

I could not, Sir, have either the Vanity or Presumption to affix your Name to such a Trifle (far below your Honours Patronage) had I not been formerly encouraged by your great Condescension in the like nature. Having moreover this to say by way of Apology, That your Lordship (as the Greatest and Best of Men in all Ages) only studies the Publick Good, and gives all the Encouragement imaginable to good Literature. I need not acquaint your Honour with the several Tracts already published of the Methods of Practice of this Honourable Court, every Authors Genius hitherto having led him to write of some one Particular; none of them attempting the whole. For my part (my Lord) I have no other Ambition in this Publication but that of manifesting to the World the Incomparable Oeconomy and Beauty of this Honourable Court, in all its parts and methods (so far as the narrowness of my Province

Province will give me leave. And I am confident (with Submission to your Lordship) that it would have been the Intention of the Learned Mr. West (whose Method, if any, I have haply agreed with rather than imitated) in his elaborate Treatise of Symbolcography, to have done the same, if he had been now to begin his Work. In which, my Lord, to speak ingenuously, and give that Great Man his due, he seems not to have omitted any thing at that time material for his purpose. But (alas) since that good Age, your Lordship is too sensible how much Peoples Inclinations have been corrupted; the subtile Contrivers of Fraud in this Age laying their villanous designs so deep, obscure and out of the common reach of Discovery, that nothing but your Lordships extraordinary Prudence and Sagacity can find 'em out.

For which Reasons, Sir, I have adventured (with your Honours leave) from the Affidavit, to the Writ de Executione Decreti, in Miniture, to demonstrate to the

The Epistle Dedicatory.

*World the admirable Symetry, good Order
and Decorum now used in the High and
Honourable Court of Chancery, under your
Lordships most excellent Administration
and Conduct, humbly imploring your Ho-
nours Pardon for my great Presumption
in this Address, and that your Honour
will give me leave to subscribe my self,*

My Lord,

Your Honours

Most humbly obedient and

Most devoted Servant

W. Brown.

THE

THE

Introduction.

H *Ominem* scire (saith the great Philosopher and learned Physitian of *Joan. Petri Fabri, Lib. 1. Mompelien*) *summa est sapientia. de Sapientia universalis.*
And whoever treats of the Court

of Chancery cannot say less than *Cancellarium* scire *Legum municipalium Angliæ summa est Scientia*, in regard this High and Honourable Court is so very considerable in the vast extent of its Power, that 'tis hardly possible for any Cause of Weight or Moment to escape the Jurisdiction thereof, but first or last must have its determination therein.

I shall not trouble the Reader with an unnecessary deduction of the Original, Rise and Progress of the Power of this Court; nor undertake here to shew all the particulars wherein Equity usually hath been, now is or may be allowed (my Province being confin'd to a narrower compass) but shall content my self after a short description of the Nature of the Court, to lay down some useful Notes and Observations upon the Proceedings, and so conclude the Introduction with the present state of the Practice, as it is now in use at this day.

Of

Of the Nature and Power of this Court

The Court of Chancery is the highest and most supream of all the Courts of Equity in this Kingdom, and chiefly (and most properly) doth exert its Power in abating the Rigor of the Common Law, or affording its aid and relief in such Cases, wherein the Subject is otherwise without remedy by the strict Rules (or weak Efforts) of other Judicatures.

Notes and Observations upon the Proceedings in Chancery.

Decree.

If the Decree do order the Defendant to pay a Sum of Mony, then the Decree or a Writ of Execution of the Decree *vel ordinis*, if it be a decretal Order must be served upon the person under Seal, or else it is no Contempt, if the Defendant pay it not; but if it appear the Writ were delivered to the Defendants Servant, and that it came afterward to his hands, or that it be proved that he had notice of the Decree or Writ, then it is a contempt, if he refuse to pay the Mony, 4 Car. Lord Keeper ordered an Attachment.

Notice.

The leaving of an Order at the Parties house is not sufficient notice without an affidavit that he could not come at them to serve them therewith, Apr. 1638. If the party cannot be found, then a motion must be made to have an Order that the leaving of it at the Party's house may be a sufficient service, and so likewise of a *Subpana*.

Service.

Contempr.

He that serveth a Writ *de executione Decreti* for Mony must shew his Warrant to receive

ceive the Mony, and must shew the Writ under Seal, and must demand the Mony, else it is no Contempt to refuse to pay it, *Apr. — 1649. the Case inter Wise & al.*

If upon a *Subpœna ad respond.* the Party Contempt. sweareth upon his Examination that he was not served, if he that served it, so that it be not the Plaintiff, upon a Commission to prove a contempt for not appearing to answer, do depose that he personally served him, that is a sufficient Proof.

A Copyhold cannot be entailed by the Statute *de donis Conditionalibus*, but by the Common Law it may, and a Surrender or a Plaintiff in nature of a Fine and Recovery will bar those Estates as well in the Court-Baron as at the Common Law, if the Custom have been such, which is the Rule in these Cases. Copyhold.

If a Decree be made against *J. S.* that he shall not meddle with the Goods of *J. D.* and *J. D.* make him Executor, or die intestate, and *J. S.* taketh Letters of Administration of his Goods, and then meddle with the Goods, this is no breach of the Decree, for it is a new Title. *Ld. Keeper 16 Jun. 1628. in Cur' Canc'.* What shall be said a breach of a Decree and what not.

If upon hearing of a Cause procured by the Defendant, the Plaintiff and his Council do attend the Cause, but are not served with Process *ad audiend' Judic'*, and the Defendant with his Council attend not, yet the Plaintiff shall have no Costs because he is not compelled to appear, and the Defendant may chuse whether he will have the Cause heard or no. *Cur' Canc' coram Magistro Rot. 17 die Jun. 1628.* Costs. No Subpœna served *ad audiend. Judic.*

An *Assumpsit*
to do an un-
lawful Act.

No Remedy
in Law or
Equity.

A sufficient
Proof.

If a Man upon a good consideration assume to do an unlawful act, and afterwards enter into a Bond to do it, the *Assumpsit* is discharged. But if a Man assume to a Gaoler to give him 20 l. to let his Brother (being a Prisoner) free, no Action at Law or Relief in Equity shall be upon this *Assumpsit*, for it is against Law, and an Escape in the Gaoler. So if a Man promise him 20 l. in consideration that he hath set his Brother free, this is void because it is a subsequent Promise. But in the Case between Sir G. R. and Mr. R. C. and his Brother, who was in Prison under the Custody of Sir G. R. in the Kings-Bench, they did promise to discharge Sir G. and he being charged in an Action of Debt upon the Escape of the said R. in 300 l. (the Jury giving so much damages when the declaration was no more) and they having before entred into Bond to Sir G. of 700 l. for his discharge, which Bond he releases, thinking it had been no Escape, and then before also they made him the said promise, and afterwards offered to give him 100 l. which was proved by two Witnesses in this manner, *viz.* the one Witness said they offered 140 l. and the other 160 l. which was held to be good proof for 100 l. the Master of the Rolls did hold it fit in Conscience that he should have it, in regard of the said promise, and also because he had paid by composition for the said 300 l. 160 l. for the said R.'s escape, and so would have decreed it, but that the said Brothers being present in Court, and the Court moving thereunto, they yielded, and by their consent it was ordered that they should pay to Sir G. 100 l. 6 Nov. next 17 Jun. 1628. my Lord Keeper being in the Parliament House.

The

The relation of the Party himself is no Proof.
proof in Court.

No matters of Account are to be referred
till after hearing of the Cause.

The word *Proof* shall be understood generally Judicial i. e. by Jury, Confession or De-
murrer in Court. Confession voluntary
was holden good Proof, though the Law in
construction is contrary, yet when the party
expresseth to mean and allow another form
of proof, that shall prevail. *Gold's Case, Hob.
Rep. fol. 127.*

*Quel manner de proof est sufficient, v. coke 4. lib.
Trin. 13 Jac. Co. lib. 4. 74. fol. 74.*

If a payment of Money be affirmed in the
Bill, and not denied in the Answer, one Wit-
ness is sufficient; but upon denial upon Oath
there must be two Witnesses to disprove it,
26 Oct. 1641. per Dn^m Littleton in Cur.
A Man's own Hand and single Witness to a
Deed is taken to be a good proof in Law,
and also in Equity, as it was in *Ramsay's
Case*, concerning a torn Deed of Mr. S. with
some other circumstance, 9 or 10 Oct. 1638.
in Cur.

If the Defendant in his Answer set forth
a Title to the Land which is good in Law,
if he prove it by a single Witness, it is suf-
ficient, for this Court will not take the Law
from him, 16 Novemb. 1635. in *Reeve's
Case*.

If twenty several Men say they heard
another, who is no Party, say such a thing,
all this is but one extrajudicial Witness.

If a Cause come into Chancery for relief
against the Common Law, the Court will not
allow proof to make a Decree without two
Witnesses; but if an Executor be sued for the
debt

debt of the Testator, and he proves payment but by one Witness, the Court will allow that proof, for that will be allowed for a good proof upon a Trial at Law, *per Dn^m Custod. 1 Febr. 1630.* And so likewise upon a discharge upon an Accompt, and such like Case.

A single Witness is sufficient to confirm a consideration or Title which is good in Law, but to maintain a matter in Equity, which is against a point or Rule in Law, there must be two witnesses to make a Decree thereupon, *per Dn^m Custod^o Magni Sigil. Angl. 3 Nov. 1631. Hob. Reports 188.*

If the Defendant in his Answer do affirm a thing, which is seconded by the deposition of one single Witness, and nothing is proved against it, this was allowed a good proof *in Cur. 29 Oct. 1639.*

If a Defendant do affirm a thing seconded by a single Witness, and no opposition appearing, this is a good proof, and cause sufficient to decree for the Defendant, or to dismiss the Bill.

Contempt.

If an Affidavit be made of the service of an Injunction, and he that is served doth deny it upon his Examination, upon Interrogatories and upon a Commission to prove it, one witness doth swear it, that is sufficient together with the aforesaid Affidavit. But to prove a contempt for the breach or not performing of a Decree, there must be two Witnesses to prove it directly *per Registrarios.* One Witness is sufficient to prove the service of a *Subpœna ad audiend^o fudic^o.*

Two Witnesses for breach of a Decree.

Witness.

A Man outlawed is not to be received as a Witness in any matter *per Dom. Cancell. in Cock and Morgan's Case.*

It

It is an Order in Chancery, that if the Defendant be first examined, you cannot afterwards examine Witnesses, ^{Examination of the Defendants and of Witnesses.} convict them thereby of Perjury; but if the Witnesses be first examined you may afterwards examine the Defendant.

If a Man be seized and possessed of Land that is Copyhold, and surrender the same to the use of himself and his Wife for Life, and to the Heirs of their Bodies lawfully begotten between them, and for the want of such Heirs to the right Heirs of the said Husband for ever, according to the custom of the Manor; And the Custom being such, that the Father dying seized, the youngest shall inherit; the Husband hath two Sons, In this case the Custom is Judge and shall prevail against the Common Law, and the Land shall go to the youngest, it being a Fee-simple conditional rather than an Intail.

In this Case *Non Culp.* is the best Plea, for the Freehold is not in the Owner, but in the Lord, *ergo* he cannot plead *liberum tenement.*

A Defendant not being a principal Defendant might be read as a Witness, if he were examined on the Plaintiffs behalf in another Suit between the other persons, as in the Case of *Kingston upon Thames*, 44 *Elix.* 10 *Jan.* 1602.

If there be divers persons made Defendants to a Bill, and some of them are only named and not served with Process, they may be examined as Witnesses, so as they be examined on both sides.

If a Defendant be served with Process ^{Process ad audiendum Judicium.} *ad audiendum Judicium*, and Affidavit be made thereof, and he appear not, then his

Answer

Answer shall be read, and day shall be given him to shew cause why the Cause should not be decreed against him; the Court may upon hearing the Answer read, Decree it presently.

Subscription
of Commis-
sioners.

*Robertus Furslow Miles super veritatem
hujus respons. sacramentum suum prestitit
apud G. in Comitatu. C. sexto die Octobris
Anno Regni &c. coram nobis virtute Com-
missionis Domini Regis nobis direct. H. H.
F. F.*

*Capta fuit hec Responsio apud Civitatem
Oxon. decimo die August. Anno Regni Do-
mini Caroli secundi Regis nunc Angliæ, &c.
vicesimo tertio per sacrament. præd. De-
fendend. coram nobis Commissionariis H. H.
F. F.*

*Capta fuerunt hæ responsiones apud Farn-
ham in Com. Essex quarto die Junii Anno
Regni, &c. vicesimo tertio super sacramen-
tum Hugonis Carle sen. Eltz. ux. ejus Ed. C.
& H. C. fil. eor. coram nobis T. H. B. A.*

No Cost a-
gainst a Paup.

The Lord Keeper allowed no Cost against one admitted in forma Pauperis. But Oct. 11. 1628. in open Court declared, he shall pay the under-Clerks Fees for writing.

A Party in forma Pauperis shall have Costs but shall pay none.

Persons admitted in forma Pauperis shall not pay Costs, where Causes are given in Actions at Law by the Statute of 22 H. 8. cap. 15. and by the Statute of 11 H. 7. 12. The Lord Chancellor and Judges may admit in forma Pauperis.

Resolved by the Lord Keeper, and Master of the Rolls, that no man shall be admitted in forma Pauperis after the Suit begun, because by that means the Clerks may be defrauded of their former Fees, (Mr. Robinson)

binson) the Lord Keeper would admit none without special Cause after the Bill exhibited, *V. Tortil* 35.

In all Cases in Law and Equity a Man and Witness single his Wife is but as one Witness.

If a Witness by consent of Parties be examined on both sides, his Testimony is without exception.

If a Witness refuse to be examined upon a Commission before Commissioners, then upon a motion a *Subpoena* is granted to be examined in Court at his own costs, 27 *Novemb.* 1629. in Court before the Master of the Rolls and *Telverton*.

If a Witness refuse to be examined cross, it argues favour in him, and is a Cause of Exception to his Deposition, and the other side may move the Court that his Deposition *ex parte* may be suppressed, which the Court will grant *per Cur.* 14 & 15 *Octob.* 1633.

If upon a Marriage the Parent doth say, that he will make one Childs Portion as good as another at the time of his death, yet this shall not bind, unless the Contract be so set down in Writing, or declared by his Will, or proved by sufficient Witnesses to be part of the Contract before, or upon the Marriage, and then also the Parent is not barred to dispose of, or give away any part of the Estate during his Life, *per Cur.* 11 *Octob.* 1628.

Contract for Marriage Portion.

At the same time in the Case of *Show* and *Finch* of *Watford*, his Lordships Opinion was, that if a Man give 100 *l.* to a Child to be paid at the age of one and twenty years, if the Child dye before, the Executor is to have it, and the Child cannot give

Custom of *London* for Childs Portion.

it away, either in his Life time or by his Will; and Mr. Recorder of *London* did then affirm, that the Custom of *London* is, that if an Orphan die before one and twenty years, or within that time do marry without the consent of the Mayor and Aldermen, that the Portion is to be divided amongst the other Children; and that a Child preferred in the Life of his Parent is not to have any part of the said Portion.

Coke sur Lie-
tleton, f. 176. b.

A Citizens Estate of *London* is to be divided by the Custom into three parts, his Children one, his Wife another, and the third for him to bestow by Will; but if he deviseth greater Portions to his Daughters than the Custom will bear, that must be taken out of so much of his third part as that will yield; for his Executor without his collateral consent, shall not be bound to pay any more, nor any thing out his own Estate, *Wilcocks and Daniels Case, 9 May 1635.*

Custom of
London.

A Citizen a Freeman of *London* deviseth Houses or Lands to be sold to pay Legacies to his Children, that Mony is not dividable by the Custom of the City, especially when the Legatees accept of such Legacies.

If a Man be Citizen and Freeman of *London*, and yet liveth not in the City, nor is not well known to be so, and he maketh an Executor, who knoweth not that he is so, and dieth and leaveth a Wife and Children, who, by the Custom of the City are to have their customary parts, and the Testator deviseth them several Legacies, which they accept, and for which they give Acquittances to the Executor, they shall not compell him to divide the Estate of the Testator, as the Custom goeth, unless they give notice to the Executor

Notice.

cutor, that the Testator was a Freeman and Citizen; and the notice is to be given before many years do pass after his death, otherwise no notice will serve, for he may pay debts in the mean time.

If a Citizen or Freeman of *London* do make a Stranger that is no Citizen, but one who lived in the Country, his Executor, who refuseth to exhibit an Inventory or Accompt, he may be compelled *per Cur.* to do it, 23 *Apr.* 1635.

By the Custom of *London*, if a Freeman dye without Issue, his Wife shall have a Moiety of his personal Estate; and if he have Children, his said Estate shall be divided into three parts: And if an Alderman die without Issue, his Funeral must not exceed 300 *l.* and having Issue but 200 *l.* *inter Moulson & Dominam Moulson in Cur. 6 Jun. 1640.* the Lord Keeper did allow for the Funeral of Alderman *Moulson* 500 *l.* whereas 1700 *l.* was bestowed, and so 1200 *l.* was laid upon the Lady *Moulsons* part, and none of it upon the Plaintiff Mr. *Moulson's* part.

Allowance for
Aldermens
Funerals,

And until the Funerals be paid, there ought not to be any dividend made of any Citizens and Freemens Estate, *per Dn'm & Recordatorem London.*

And in this Case the Lord Keeper did rule, that if a Man by his Will doth devise a Legacy of Money to be paid to him at the Age of one and twenty years, and dyeth leaving Assets, his Executor shall pay Interest for the Money from the death of the Testator, until the Devisee come of full age.

Interest to be
paid for a
Legacy.

If a Citizen will give and dispose more by Custom *de* his Will than a third part will bear, it is *void*, in *Wilcock's Case, 1635.*

A Covenant to free Land from Incumbrances, or such like Specialties, for things that are not grown to a certainty shall not stay an Executor from payment of Legacies until such things be satisfied, nor shall stay the division of a Citizens Estate into three parts by the Custom of London, 19 Octob. 1639. *per Du'm & Cur.* in Sir Nicholas Saller's Case, *Vid. Hayn and Nelson's Case*, where it is said, that if an Executor pay Legacies (not finding a Decree upon search, which was kept by a Clerk of the Court from inrolling) he shall not be charged with a Devastavit for paying them before the Money payable by the said Decree.

The sufficiency of an Answer.

If the Defendant be charged by the Bill, that the Land is worth 100 *l.* *per annum*, and he answers, 'tis worth 60 *l.* *per annum*, the Answer is sufficient, although he doth not say and no more, but *le use est contr.*

A Trust.

A Trust is a thing in Action, and therefore it must go to the Executor of the party trusted, and cannot be taken away without some special Agreement of the Party in writing to whose use the Trust is committed.

The Terms of hearing.

One Term to be allowed between Publication and hearing, except there be special Cause to the contrary, *per Cur.*

Attachment.

Although an Attachment go forth upon an ill ground, yet the Party is to perform what the Writ requireth, else he incurreth a Contempt (at the Rolls.)

The Contract of an Infant.

If an Infant contract for necessary Meat, Drink or Apparel, he shall be bound by it, but if he contract, and afterwards give his Bond for it, the Contract is thereby determined, and the Bond is also void, and the Party without Remedy.

If an Infant be sued in Chancery, and he appear, and be allowed a Guardian by the Court; if a Decree be afterward had against him and his Guardian, this shall bind the Infant; but otherwise it is, if an Infant exhibit his Bill by his Guardian, his Act shall not bind the Infant, 11 Nov. 1633.

A Decree binds an Infant.

If a Bill be exhibited against an Infant of young years, and he will not appear by his Guardian, then by a Subpoena he is to be brought into the Court, to be inspected, and then the Court will appoint him a Guardian.

If a Bill be exhibited against an Infant to examine the Title of any Lands descended to him from his Ancestors, he may by his Answer shew his Infancy, and so pray Judgment, whether in this Case the Suit being to examine the Title of his Lands descended to him, the Parol shall not demur; so likewise if the Bill be exhibited for the same Cause against any other as Guardian, Friends or Overseers of this Infant, they may shew the special matter, and so conclude Judgment. *Si le Court voil* proceed herein before the Infant attain to the Age of one and twenty years; but in other Cases that concern not Inheritances an Infant shall answer, so that he be of the age of discretion.

If an Infant sue, or defend by Guardian or by *Prochein Amy*, although such Guardian and *Prochein Amy* be outlawed, or excommunicated, yet that is no Plea to disable him no more than if my Attorney be outlawed, or excommunicated, yet he may appear for me and plead.

If Lands be decreed for an Infant of the Age of three years, and in the same Decree it is provided, that A. shall take the Rents and Profits

A Purchaser is bound to take notice of a Decree.

Profits of those Lands to the use of the Infant, and until the Infant attain his full Age; in the mean time *A.* bearing himself as lawful Owner in Fee, selleth the same to *B. bona fide*, for Mony paid by *B.* who knoweth not of this Decree, yet is *B.* bound in Equity by this Decree, and the Infant may enter upon him at his full Age, and *B.* is bound at his peril, to take notice of this Decree: So you may see by this course, that every Purchaser is bound to take notice at his peril of the Decrees of the Court, albeit he buy of one who is not bound by the Decree, nor any Party to the Suit; for it is a plain Case, if *A.* sue *B.* in Chancery for Lands, and have the same decreed to him against *B.* and all claiming by, from or under *B.* If *B.* in this Case sell the Land, albeit *bona fide*, and to one that hath notice, there is no question but his Sale is void against *A.* in Equity, for he claims under *B.* But in our principal Case the Purchaser claims under none against whom any Decree is made, and yet he is bound.

It was decreed *per Cur.* that albeit the Defendant, for the good of an Infant, and for the preservation of his Inheritance did suppress a Deed of Intail, whereby the Father of the Infant being a great unthrift, if he had taken knowledge of the same Deed, might have sold the Land, and so stripped the Infant; yet my Lord utterly disliked that course, and decreed against the Defendant, who had bought the Land of the Infants Father, for the good of the Infant for a small Sum of Mony, the Lord Keeper decreed the Land to the Infant without regard of the Defendants Mony, *inter Holmden & Reynolds*, 15 Oct. 3 Jacobi.

Kerchival

Kerebival cont. *Kerebival* 7 Feb. 47 Eliz.
 If an Infant sue in the Chancery in the Name
 of his Guardian, or *Prochein Amy*, and there-
 unto the Defendant answereth, and Witnesses
 examined, and the Cause come to hearing,
 and *pendente lite*, the Infant attains his full
 Age; this was moved by the Counsel of the
 Defendant for abatement of the Plaintiffs
 Suit, when the Cause came to hearing; who
 said, that now there was no Plaintiff in Court,
 nor no Bill, because the Plaintiff being at-
 tained to full Age, the Cause of the Guar-
 dians or *Prochein Amies* Suit is ended, and so
 the Cause being at an end, the Effect must
 cease in it self; but my Lord gave no way to
 this Exception, and so to avoid Circuity of
 Action and Multiplicity of Suits, he would
 proceed to hearing, notwithstanding the said
 Exception, and did so. *Egerton.*

Vid. Reports
Fra. More,
fol. 42.

Records must be shewed forth, tho' proved
 by Witness in the Books, or else he fails of
 his Evidence. *Handal and Little John.*

The Proof of
 a Record by a
 Witness.

It was agreed by Judge *Yelverton* and by
 all the Bar, that until Office found, whereby
 a Man is found to be an Alien, the King is
 not intitled, and shall not have any profits
 before that time, 29 Oct. 1628.

Office to intitle
 the King.

And then it was agreed by the rest of the
 Six Clerks against Mr. *Dewse*, in his own
 Case, that if a Witness be examined by Com-
 missioners in the Country he shall not be here
 again examined without special Order of
 Court.

Examination
 of Witnesses.

If Commissioners for the Plaintiff will exa-
 mine the Plaintiffs Witnesses upon the Defen-
 dants Interrogatories, or if the Defendants
 Commissioners examine upon the Plaintiffs In-
 terrogatories, that Course is disliked, *per Cur.*

If the Plaintiff have the carriage of the Commission, wherein the Defendant joyns, and they agree upon the place for examining and cannot finish, the Court must be certified thereof.

Witness.

A Man who was produced as a Witness in the Chancery, in his depositions was found to swear falsely in part, and thereupon his Testimony was utterly rejected, *Dalt. fol. 271.*

Want of Form.

The Lord Keeper did not reverse a Decree for want of form or mistaking of an Account, 9 *Novemb. 1628.* for that may be helped by a Master of the Court, 6 *March 1668.*

A Trustee not named Defendant, not avoid a Decree.

Personal promise.

Neither shall any one that is a Trustee, although not named a Defendant, avoid a Decree for that Cause.

A personal Promise is not sufficient to decree away Land without other Circumstances.

Fooffees in Trust.

If a Man convey Lands to Fooffees to be sold to the use of his Children, none but the Fooffees, or some by their authority, can contract for the same.

Notice.

A Notice is material, where one hath first articulated for Land, and another seeketh to take the Bargain from him, for if the second party have notice he shall not have the Bargain.

A Copyholder bargaineth with the Lord for his Copyhold.

If a Man contracts to buy of the Lord of the Manor his own Copyhold or more, for a certain Sum of Mony, and afterwards the Lord offereth him the whole Manor, if the Lord and he doth not afterwards agree, but the Lord selleth the Manor to another; yet the Lord Keeper did order, that the first Bargain for the Copyhold shall not be dissolved

dissolved thereby, 11 Novemb. 1628. in
Cur.

A Man deviseth to his Wife out of his Land 50 *l.* per annum until his Son marry, the Remainder to his said Son in T. and if he marry, the 50 *l.* to be divided, and he to have two parts, and if his Son dye without Issue, then his Wife to have the whole; his Son marieth and levieth a Fine, and suffereth a Recovery, and dieth without Issue; although this barreth the Wife in Law, yet in Equity she shall have the whole, by reason of the intention of the Devisor, and Mr. Recorder vouched Poll and Brown's Case adjudged accordingly, 17 Jac. in Banco Regis, 11 Nov. 1628. per Cur.

The Constru-
tion of a
Will.

If a Man make a Lease for years, where in he hath no Right, and afterwards he purchaseth this Land, neither he nor his Heir shall avoid this Lease by Law or Equity.

A Lease for
years made
good.

Nota que fuit dit a moy que lon un commission issue hors del Court de gardi al quatreor persons ou al ascun deux de eux, & un des Commissioners refuse & les autres trois soant in Commission, cestui que refuse fuit jure & examine per eux come un witness & ceo n'est bone, car comant que il refuse destre Commissioner n'est il est enclude destre jure.

Commissioner
que refuse ex-
aminee come
Witness.

If an Administrator sue, or be sued in Chancery, and the Suit depending, the Administration be revoked by his practice, to the end he may be examined as a Witness, he shall not be examined, per Dom. Custod. Magni Sigil. in Cur. 22 Apr. 1629.

Examination
of one as a
Witness.

Jointenants
and Tenants
in Common.

Et per luy 25 Apr. If a Man devise a Legacy unto two, and the Survivor of them, if one of them sell his part, and then dyeth, the Survivor shall not have that part, for it is with him as with two Joyntenants; if the one sell his part the Joynture is broken: And if a Man devise Goods or Lands equally divided, or to be divided, the Devisees are Tenants in Common, and there is no Survivorship in that case.

Allowance of
Costs bestowed
upon repara-
tion of
Houses.

Et per luy eod. die, If a Man possessed of a Term for years deviseth it to his Wife until she marry, and then to his Son within Age, and that during his Minority she shall take the Profits towards educating him; If before Marriage she bestow Costs on the Houses, in repairing of them, she shall not be allowed any thing for the same, because she doth it as a Tenant bound to do it; but if during the time she is a fiduciary, she doth it, she shall have allowance in this Court.

A Mortgage
upon payment
of a further
Sum.

If the Mortgagor after four or five years after the forfeiture, do seek by Suit in Chancery to have his Lands again, paying his Mony with damages, the Court will not therein relieve him without some special Cause shewed of that delay; but the use is now, that after the Mortgage forfeited, the Mortgagee preferreth his Bill in Chancery, and thereby sets forth, that he is ready to take his Mony with damages, or else desireth to have the said Lands settled upon him, 28 Apr. 1629. in *Cur. coram Justice Jones, & Magistro Rotular.*

A Trust.

Eod. die, It was agreed against Mr. Noy's Opinion, that *cestuy que use* or *cestuy que trust* may prefer a Bill in Chancery of himself, if the Feoffees or Trustees refuse to joyn with

with him, for otherwise Charges and Recognizances, &c. may be laid upon the Land to his prejudice; and if he prefer his Bill and alledge an Assignment or such like, although there be no such Assignment, yet the Bill shall stand.

If a Man by his own Act do disable a thing to be done, which is for his benefit, he shall neither be relieved in Law nor Equity. No Relief in Law nor Equity.

If a Commission be granted to take an Answer in the Country, the Commissioners cannot take a Demurrer without special order of Court; and a Demurrer of one is not to be taken upon Oath, but a Plea of matter extrajudicial is to be taken upon Oath, but not upon a Record in Court pleaded. A Demurrer not to be taken by Commissioners.

A Bill upon a debt by Obligation, &c. that is twenty years old, is not to be retained without special Cause. An old Debt not relievable.

Tithe Hops do belong to the Parson and not to the Vicar, *per le opinion de tous les Justices come Mr. Justice Telverton dit in Cur. Cancell. die Veneris 8 Maii 1629. vide son liur des Reports de 8 Car.* Tithe Hops.

It was said, *eod. die*, that if a Bill be preferred against a Man in Prison, and he will not answer, but standeth out all Process of Contempt, then he shall be sent for by a *Habeas Corpus* into the Court, and if he refuse to answer, then a day shall be given him to make his Answer, and if he doth not then answer, the Bill shall be taken *pro confesso*; and when he cometh in upon the *Habeas Corpus*, if he be in Execution, he shall be sent back to the Prison from whence he came, if not, then to the Fleet. A Bill taken *pro confesso*.

**Mortgage In
the name of
an Infant.**

If a Man take a Mortgage in the Name of an Infant, which is forfeited, and dyeth, the Infant shall restore the Possession to the Mortgagor, but no Decree shall be made against the Infant to re-assure the Land until he come of full age, and then he shall be enjoined to re-assure it: And if the Bargain at the time of the Mortgage be, that if the Mony be not paid at the day, then upon payment of a farther Sum the Bargain to be absolute, or more Mony to be lent to the Mortgagor after the Mortgage or after the Forfeiture: Yet if there appear to be no hard dealing, or that the Mony be not a valuable consideration, the Court will compel the Mortgagee to re-assure the Land upon the Mortgagors payment of all Mony and Damages, *end. die 6th Maii 1629. per Cur.*

Contempt.

If a Man be examined upon a Contempt and denyeth it, then the Plaintiff may have a Commission to examine upon Interrogatories, and prove the Contempt by Witness if he can.

Affets.

A Remainder to one and his Heirs after an Estate in Tail, is no Affets to the Heir in Fee-simple, because it is not adjudged to be of any Value.

**A Purchase by
the Father in
his own and
Sons name.**

If the Father in his own and younger Sons Name purchase Land to them and their Heirs, or the Uncle in his own, and in one of his Nephews Names, purchase Land to them and their Heirs, and dye, the Land must come to them accordingly; but if the Father or Uncle do after the Purchase make Leases, they shall bind for a Moiety, *16 Maii 1629. 5 Car. Telverton.*

If a Man exhibit his Bill in Chancery, and afterwards desire to withdraw his Bill, he shall pay Costs to all the Defendants severally, unless the Court do order a certain Sum for all the Defendants joyntly for their Costs, *cod. die.* Costs.

No Demurrer to be allowed after Repliation. Demurrer.

If an Administrator or Executor exhibit a Bill, an Utlawry in them is no Plea, *per Dom. Custod. 18 Mart 1629. in Cur. & per Iur.* Utlawry pleaded.

If an Utlawry or other Plea be pleaded, and is overruled, no other Plea shall be after pleaded, but the Defendant must answer. No more Pleas than one to be allowed.

No Witnesses examined after Publication without special Order. Witnesses after Publication.

If upon a *Declinus Potestatem* to take an Answer, the Commissioners do take a Demurrer, if upon return thereof it do appear to be an Answer, it is to be taken, or else he may then demur, for it is not a double delay.

If a Bill be exhibited against a Prisoner who will not answer, an Attachment being entered against him, a motion must be made for a *Habeas Corpus* to bring him to the Bar, to shew cause why he does not answer; and the Fees which the Plaintiff pays are:

	l. s. d.
For Allowance of the <i>Habeas Corpus</i> _____	0 2 4

For the Tipstaff bringing him into Court _____	0 6 8
--	-------

For the Deputy Marshal's Fee —	0 3 4
--------------------------------	-------

To

To the Six Clerk to present } *l. s. d.*
the Prisoner to the Court — — } 0 3 4

The Warden of the Fleet claims }
for his Fee, though the Prisoner be } 0 6 8
brought from the Kings Bench — }

If the Prisoner be brought up }
with his Causes, then you must }
pay for transcribing the Causes 4 s. } 0 4 0
for the first Cause — — — — }

For every Cause more, if there }
be more than one — — — — } 0 2 0

If the Prisoner be turned over to }
the Fleet, then the Marshal's Fee } 0 17 0
for his Discharge is — — — — }

And the Clerk of the Petty- }
Bag for entring his Causes in the } 0 4 0
Petty bag, if he be turned over, for }
the first Cause — — — — }

For every Cause more — — — 0 2 0

Michaelmas Term, 1678.

Chiverton having a Mortgage on Colonel *Sandy's* Estate for 5000 and odd pounds, on which *Thompson* had a Puifne Mortgage for 1700 *l.* of the same Lands, and by the same Deed; for it is first to *Chiverton* for 3000 *l.* and then *Chiverton* and *Thompson* lend more Mony; and then by the Deed it is declared, that after *Chiverton's* Debt paid, he shall stand seized for *Thompson*: *Chiverton* exhibits his Bill against *Thompson*, either that *Thompson* may pay him his Mortgage, or be foreclosed of the Equity of Redemption:
Upon

Upon long Debate, and the Court having taken time to consider of it, dismissed the *10 Nov. 1678.*
 Plaintiffs Bill with reasonable Costs.

Per Dom. Canc. That all persons to be *21 July, 1679.*
 examined upon contempt shall have Copies of Interrogatories before they be examined.

The Lord Chancellor declared, he would never relieve against an Award, where the Arbitrator is of the parties own choosing; for he makes the Arbitrator his Judge, and shall be bound by his Award.

Hodges and his Wife versus Dakin, some day after *Michaelmas Term, 1679.*

The Plaintiffs Wife being an Executrix, paid the Defendant without Suit a Legacy, afterwards Debts were discovered, and the Bill was for the Defendant, to pay back the Legacy, to inable the Plaintiff to pay the Debt. The Court dismissed this Bill, for that the Plaintiff paid the Legacy to the Defendant voluntary, and without a Decree being first had against her; If the Plaintiff had been compelled by Decree to pay, my Lord declared he would have relieved the Plaintiff.

A Bill brought by the Creditor against an Executor and Legatee, in this case no doubt but the Court would make Legatee refund.

27 Novemb. 1674.

Blockley and Eldridge.

Blockley being an Apprentice to the Defendant an Haberdasher of small Wares, with whom the Defendant received *135 l.* and the Defendant having abused the Plaintiff in his

his Service, and the Plaintiff being by the Chamberlain of *London*, and afterwards by Order of the Lord Mayor's Court, upon the Plaintiffs Petition there according to Custom discharged of the Defendants Service after the Plaintiff had served four years and an half; the Plaintiffs Bill being to have back a reasonable part of the 135 *l.* The Lord Keeper *Finch* decreed him 50 *l.* of his Mony, and Costs of Suit, to be paid by the Defendant. And in this Case was cited the Case between *Head* and *Mayo*, where Mr. *Mayo* dying within two Months after he had received 150 *l.* with Mr. *Head's* Son as an Apprentice, Mr. *Head* had a Decree for his Mony (by Keeper *Finch*) deducting an Allowance for his Diet and Maintenance the two Months he lived with Mr. *Mayo* before his death.

13 Novemb. 1675.

Harrington alias Botham

Creditors preferred a Bill in Chancery to have a discovery of Bankrupts Estate in the Defendants hands, and enlisted themselves by Assignment from the Commissioners, and upon the Defendants Demurer, my Lord ordered the Defendants to answer, and said, it had been well enough if Commissioners had made no Assignment, nor executed their Power; the Act which gave Commissioners power hath no negative Words to exclude this Court.

No Bill to examine Witnesses *in perpetuam rei memoriam*, against a Purchaser, per Lord Keeper.

A Man

A Man makes a Devise of Lands to pay his Debts, this revives a suit for a simple contract, notwithstanding the six years elapsed since first cause of Action.

Feb. 12. 1676.

Blackwel versus *Geering*.

Bill against the Defendant for small Tithes; the Defendant demurred, and afterwards being a Quaker, was prosecuted to a Sequestration for want of an Answer; and this day the Plaintiffs Bill being read, was decreed *pro confesso* against the Defendant, notwithstanding it was strongly insisted as in Sir *William Denney's* Case against *Filmer*, that no such Decree ought to be unless the Defendant be taken and brought in person into Court to hear the Bill read.

Globery and *Lampen* Trin. 1677.

Colbery's Bill to be relieved for a Legacy The Cause given to his Daughter, to whom he is Ad- heard again ministrator; the Defendant is Executor of one upon motion *Clobery* the Testator, who gave the Legacy first Seal before Michael- in these words; [I give *Clobery* 500 l. when mas Term. she attains the age of one and twenty, to be 1677.

paid with Interest] the Legatee died about ten years before her age of one and twenty. Resolved and decreed; first, that the Legacy is payable to the Administrator, the Plaintiff, to be paid with Interest, differencing it from the ordinary case, and the difference allowed where Legacy is given when one and twenty, and when given to be paid at one and twenty, and so here the Administrator well intitled, notwithstanding the Legatee never attained her age of one and twenty. 2. It was

[b]

decreed

decreed, the 500 *l.* to be paid by the Defendant, at the time when the Child, the Legatee, should have come of full age of one and twenty, and not before.

9 June, 1680. Lord Finch.

Lord North and his Wife Plaintiffs, against Lord Gray of Wark Defendant.

The Bill was, that one of the Defendants the Lord Gray's Ancestors settled the Estate in question on the Plaintiff the Lady North, and the Heirs of her Body, that the Deed was lost or in the Defendants hands, and that the Plaintiffs may examine Witnesses *in perpetuam rei memoriam* was the end of the Bill. The Defendant answered the whole Bill, but as to the Plaintiffs examining Witnesses *in perpetuam rei memoriam*, or to proceed any further (the Defendant having answered) the Defendant demurred, for that the Plaintiffs might try their pretended Title by Ejectment at Law, and there being no Impediment at Law, but that they might try their Title, and for that the Plaintiff had not had this Deed, and pretended Title, affirmed by any Trial at Law.

And this Demurrer was allowed upon great debate.

Michaelmas Term, 1679. in an Afternoon at my Lord Chancellors House.

Strode and his Wife Plaintiffs against the Executors of Mrs. Cleyton.

Mrs. Cleyton having several parcels of Plate of her own, and several other parcels of Plate

Plate pawned or mortgaged to her for Monies by her lent a little before her death, bequeathed all her Plate to the Plaintiff *Strode's* Wife: And the question being whether the mortgaged Plate, as well as Testatrix own Plate should pass to the Plaintiff by this Bequest. My Lord Chancellor was of Opinion it did, and decreed her the mortgaged Plate, as well as the Testatrix own Plate.

About 6 Decemb. 1677. at the Lord Chancellor *Finch's* House in *Queenstreet*.

Wollaston & Ux. contra Swetnam.

Wollaston and his Wife as Administ. of *Peter Swetnam* her late Husband, preferred their Bill (*inter alia*) to be relieved for 200 *l.* as being a fifth part of 1000 *l.* deposited by the Defendant *Thomas Swetnam*, in such manner as *William* should think fit; and *William* insisted he had power to dispose of the 1000 *l.* among the five Children as he pleased; that *Peter* the Plaintiffs Husband married the Plaintiff during his Apprentiship, and was since dead; and therefore conceived he might dispose of the 1000 *l.* among the other Children as he pleased: This Cause being heard at the Rolls, and the Case being as before, the Master of the Rolls decreed *Will.* to pay 200 *l.* to the Plaintiffs as Administrators of *Peter*, being one whole fifth part. And on the Appeal to my Ld. Chancellor he was of opinion, that *William* might dispose as he pleased, and dismiss the Plaintiffs Bill as to this demand; it was the only point in the Cause on which it came to be re-heard: And it being insisted on, that in a late Case

between *Kaisor* and *Parrot*, my Lord had determined, the Defendant had not power to dispose at her Will; his Lordship declared he determined that Point against the Defendant upon another reason; the Defendant being afterwards married, and having promised to let the then Plaintiff have her share of the Mony to be distributed.

Fovis 4 Jul. 1678.

Woodman versus Moren and his Wife.

Woodman in 1660. took a Mortgage in the Defendants Wife the Plaintiffs Daughters name, and a year or two after took an absolute Surrender (the Premisses being Copyhold) to his Daughter and her Heirs, and paid 4000 *l.* for the Purchase, and in 1666. the Defendants intermarried, and the Plaintiffs Bill was to have a Conveyance from the Defendants, the Surrender to the Defendant being a Trust (as the Plaintiff alledged) for the Plaintiff and his Heirs, he having been all along in possession, and paid the Purchase Mony. The Cause was first heard before Mr. Justice *Atkins*, who decreed for the Plaintiff, that the Defendant should convey to him: But the Defendants Counsel appealing, the Cause was this day reheard, and my Chancellor *Finch* took it to be originally a Preferment for the Defendant the Plaintiffs Daughter, and so dismiss the Plaintiffs Bill.

If an Infant of the age of twenty years, and hath reason and wisdom to govern himself, selleth his Land, and with the Mony buyeth other Land of greater value, and taketh

taketh the Profits, yet the Infant may enter into his first Land again, because the Contract, after the Maxims of the Law, is void, and is only bound to repay the Mony in Equity, with reasonable Costs and Charges sustained thereby.

If a Man that hath Lands for term of Life be impannelled upon an Enquest, and thereupon loseth Issues, and dyeth, those Issues shall be levied upon him in Reversion by Law and Conscience.

If a Man enfeoff another in certain Land, upon condition, that if he enfeoff any other, that it shall be lawful for the Feoffor and his Heirs to re-enter; this Condition is void in Law and Conscience; forasmuch as the intent of the Feoffor is against Law, and there is no recompence appointed for the Feoffment; but if the Condition had been, that he should not have enfeoffed such a Man, or such a Man, it had been good, for yet he might enfeoff others.

The intent of the party is void, if it be against the Law.

If a Man of his mere motion, without any recompence, intending to give Lands to another and his Heirs, makes a Deed, whereby he gives it to him for ever, intending by the word (*ever*) the Feoffor shall have the Land to him and his Heirs. The intent is void, and the Feoffee only Tenant for Life.

If a Man give Lands to another and his Heirs for 20 years, intending that if the Lessee dye within the Term, his Heirs should have the Remainder of the Term, the intent is void; for by Law all Chattels real and personal go to the Executors.

[* * *]

If a Man give Lands to a Man and his Wife, and to a third person, intending that every of them should take a third part of the Land as three common persons, his intent is void; for the Husband and Wife as one person in Law, shall take only one half, and the third person the other half. But these Cases are always to be understood where the Estates are made without any recompence.

If a Fine with Proclamations be levied according to the Statute, and no Claim made within five years, the right of all others is extinct thereby, both in Law and Equity.

A Bill cannot be decreed to be taken *pro confesso* against a Defendant that stands out all Process of Contempt, unless the Defendant did once appear to the Bill.

WAST.

W A S T.

- § 1. *Voluntary.*
 § 2. *Permissive.*

IN an Action of Wast, the party shall lose the place wasted, and treble damages.

Wast lies against Tenant by the Curtesie for life, years or half a year, Tenant in Dower or Guardian in Chivalry, by him that hath the immediate Estate of Inheritance.

It lies not against Guardian in Soccage, nor against Tenant by Elegit, Statute Merchant, or the Staple, nor against Tenant at Will; but if such Tenant voluntarily pull down the Houses or cut down the Timber Trees, the Lord may have an Action of Trespas; but for Permissive Wast hath no Remedy.

No person shall have an Action of Wast unless he hath the immediate Estate of Inheritance, but sometimes another shall join with him for conformity.

The Heir shall not have an Action of Wast for the Wast done in the Life of the Ancestor; nor a Bishop, Master of an Hospital, Parson, &c. in the time of the Predecessor.

If the Lessee for years commit Wast and die, no Action of Wast against his Executors or Administrators for Wast done before their time.

To procure a Commission for a Master extraordinary in the Country, there must be a Certificate from some Gentlemen in the

[b 4] Country

Country that there is occasion for a Master there; that the person that desires it is a fit person to be intrusted in such Commission, and loyal to the King, and conformable to the Government.

For which is
paid to the
Lord Chancel-
lors Secretary
s l.

Upon which Certificate the Lord Keeper grants his Warrant, under his Hand to the Clerk of the Petty-Bag, requiring him to prepare a Commission directed to three persons, giving power to them, or any two of them, to Administer the Oaths of Supremacy and Allegiance, as also of that of the Master in Chancery extraordinary, unto the party desiring the same.

Then the Clerk of the Petty-Bag makes the Writ, for which he is paid 1 l. 13 s. 4 d. in which Writ the Oaths to be administered are set forth *verbatim*.

If all three
Commissioners
are present,
& al' is omit-
ted.

The Commissioners on the Back of the Writ make their Return thus, (*viz.*) *Virtue istius Commissionis nobis & al' in eadem Commissione nominat. direct. die Anno infrascript. ministravimus separal. sacra. in eadem Commissione specificat. infranominat. G. W. prout per eandem Commissi. nobis precipitur. A. B. T. P. W. R.*

Which being returned, the Clerk of the Petty-Bag inrolls the same in the Office, and gives Certificate, or Memorandum under his hand thereof, which is his Place, for which is paid 15 s. 10 l.

So the whole charge is 7 l. 9 s. 2 d.

OBSERVATIONS

IN

CHANCERY.

IF a Woman pending a Treaty of Marriage, convey away her Estate in trust to defeat her Husband, that Assignment is not good, being to defraud her Husband, and destroy the intent of the Marriage Agreement; and such Conveyances were set aside in the Case of Sir *Philip Howard*, and of Sir *Edward Turner* in the House of Lords.

Bill to set aside a Decree in the great Sessions in *Wales*, to which the Defendant Pleaded *Jennet con. Bishop*. the Decree made in that Court, which was allowed 14 *July*, 1683.

A Plea to a Bill of Appeal, from a Decree in the Court at *Chester*, was argued and allowed, 14 *July*, 1683. *Portington con. Tarback.*

A Mortgagee Assigned without the privity of the Mortgagor, and the Assignee exhibited a Bill that the Defendant might redeem, or be foreclosed; and decreed the Defendant pay Interest for the Interest paid by the Assignee to the first Mortgagee, though the same was assigned without the privity of the Mortgagor. *E. of Mashfield con. Filton.*

The like Order made *per Dn^{um} Custod.* Lady *Glembam* in the Lord Chancellor's time it had been otherwise ordered. *con. Senteville.*

Admittance of a Tenant for Life, is the admittance of those in Remainder, but the Lord is to have a Fine when each Estate falls. *Glembam con. Newson.*

6 Febr.

Denny con. Filmer.

6 Febr. 1682. A Bill of Review on a Bill of Review not admitted, but the Demurrer thereto allowed, *per* L. Keeper *Guilford*.

Howard con. Duke of Norfolk.

Bill (*inter al.*) to have a share of Duke *Tho.* personal Estate, according to the Act of distribution of Intestates Estates. Defendant demurred, for that ought to have a distribution in the Spiritual Court, and over-ruled, 6 Febr. 1682. *per* Lord Keeper *Guilford*.

Howard con. Christ's Hospital.

Depositions in one Cause not used in another, though for the same matter, both Suits being for Legacies, and the proofs only to discover Assets; but must Examine over again unless both sides consent, *per* *Dn'm Custod.* 6 Junii, 1685.

Lady Bodmin con. Vandembende.

Lady Bodmin recovered Dower at Law, but a Lease for 900 years and a Statute were set up, that she could not have execution at Law, and brought her Bill here to have those Incumbrances set aside, and decreed those two Incumbrances should not stand in her way to hinder her of execution, although *Vandembende* was a Purchaser of the Estate, *per* Lord Chancellor *Jefferies*, 20 May, 1686.

Whitlock con. Marriot.

20 May, 1686. The Defendant having put in a very Scandalous Answer to the Plaintiffs Bill, and being so Reported, The Defendant filed Exceptions to that Report; upon the Hearing of the Exceptions, the Court Ordered search to be made for Presidents, as to what Fine or Damages might be awarded against the Defendants in such Cases. And the next day did Order the Defendant to pay the Plaintiff 100 l. in respect of the Scandal. And Mr. *Henry Ryley* a Solicitor for the Defendant, having put in Exceptions to the Report, which were equally scandalous with the Answer, and put a Counsellors Hand to them, who

who disowned it; Ryley was fined 20 l. and both the Defendant and Ryley to stand Committed till their Fines paid, and Ryley never to practice more: whereof Publick Notice to be set up in all the Offices of the Court of Chancery, 22 May, 1686. per Domin. Jefferys Cane,

Orders of Court for the Regulating the Practice thereof.

Lune viceſimo nono die Octobris, Anno Regni Regis Caroli Secundi triceſimo quinto, Annoque Domini, 1683.

W Hereas in Easter Term, 1676. an Order of Court was made for the giving Rules for farther Answers, instead of serving Proceſs of Subpenas and the other ordinary Proceſs which had been ſerved before the ſirſt Answer: upon conſideration had of the ſaid Order, and for that it is prejudicial to his Maieſty in his Duety upon the Sealing of Writs, and to the Clerk of the Court, and not importing that Benefit to the Suitor that may countervail the ſame; Exceptions to Answers being often very nice, and ariſing very often more out of vexation than out of neceſſity, and therefore not to be favoured. His Lordſhip doth therefore diſcharge the ſaid Order, and order, That all Suits ſhall proceed by the Ordinary Proceſs of the Court as formerly. And for a Remedy for thoſe delays, for which the ſaid Order intended to provide, his Lordſhip held it ſufficient, and doth Order, That in all caſes of over-ruling of

of Pleas and Demurrers, and Reporting of Answers to be Insufficient, the Process of Subpoena may be returnable immediate, and the service of the Clerk in Court shall be sufficient service, and all farther Process to be made immediate, until such time as the Party shall arrive to such Process as he had formerly against the Defendant, and then he is to take his Process with ordinary Returns, and to be executed according to the ordinary course of the Court.

Luna 29 die Octobris Anno Regni Regis Caroli Secundi 35 Annoque Domini 1683.

The Right Honourable the Lord Keeper of the Great Seal of England, taking into his most serious Consideration the delays and great Expence that do happen to Suitors, by Exceptions taken to Masters Reports, made in pursuance of Orders upon hearing, and especially such whereby Accompts are directed to be taken, which, his Lordship conceives might be in a great measure prevented, if the Master were informed of the matter of such Exceptions before the signing and allowing of the said Report. His Lordship doth therefore Order, That every Master of this Court, to whom any any Account is referred, or other matter, upon any Order upon hearing of the Cause, when he hath fully heard both Parties and prepared his Report, shall, at the request of either Party, give out a Summons, that both Parties, or some for them, shall again attend him, who shall have liberty to peruse such his Report, or take a Copy thereof. And that such person as is dissatisfied therewith, do, within four days next after such Attendance

dance, bring a Note in Writing of their Exceptions thereto, and take out a Summons to be heard thereon. And then the said Master is to settle and finish his Report, as he shall find just. And it is farther Ordered, That when, upon hearing Exceptions it shall appear to the Court, that the Party excepting did not offer his Objections before the Master, because he depended upon his Appeal to the Court, and sought delay; in such case, though the Exceptions shall be allowed, yet the Party for his neglect, and occasioning trouble to the Court, and charge and delay to his Adversary, shall pay such Costs as the Court shall think reasonable. And it is farther Ordered, That where, by special Order, the Court shall admit Exceptions to any Report, whereby Money is Reported due; after the time wherein such Exceptions should regularly have been filed, no Proceedings upon such Report shall be stayed, without giving Security or bringing the Money Reported due into Court. Unless the Court shall provide otherwise by particular Order.

Ordo Curie 12 May, 1686.

It is this day Ordered by the Right Honourable the Lord High Chancellor of England, That no Releaving or Appeal shall for the future be granted, but the Party Appealing shall deposit in the Hands of the Register the Sum of 5 l. to recompence the other Party in Costs, in case on such re-hearing he shall not be relieved; And when any re-hearing is granted, such re-hearing shall not any way stop or binder any proceedings on the Order or Decree appealed from, without the special Order

Order of this Court; but the party in possession of any Order or Decree appealed from, shall be at liberty to proceed thereon, as if no Appeal or Re-hearing was granted.

Ordo Curiae 3 Apr. 1686.

Whereas by an Order of the 12 of Febr. 22 Car. 2. It was ordered, That every person that should put in Exceptions to a Masters Report, should, besides the 40 s. deposited, upon exhibiting the same, pay 10 s. further Costs for every Exception and distinct branch of an Exception, which should upon the hearing thereof, be over-ruled, which said Order having not of late been observed; and the Right Honourable the Lord High Chancellor of England, taking notice of the trouble and loss of time to the Court, and expence and delay to the Suitors, occasioned by putting in Exceptions to Masters Reports, many of which do prove frivolous and vexatious, doth for prevention thereof, declare and order, That the said Order of the 12th of Febr. aforesaid, be revived and duly observed. And doth further order, That for the future, where any Plaintiff or Plaintiffs shall take Exceptions to a Defendants Answer and shall appeal to the Court for their Judgment thereon from the Report of any Master, such Plaintiff or Plaintiffs shall pay 10 s. for every Exception, or distinct branch of an Exception, which, upon their hearing thereof, shall be likewise over-ruled as frivolous, beyond the Costs which by the course of the Court be or they are to pay.

Ordo Cur. Veneris 29 April. 1687.

Whereas by Experience great inconveniencies have happened in several Causes by the exhibiting Interrogatories, which are impertinently drawn into great length; whereby the Suitors have been put to great and unnecessary charge: as also leading Interrogatories, whereby Witnesses, by turning the Negative into the Affirmative, are led to Swear to the whole Contents of an Interrogatory, and oftentimes thereby ignorantly drawn to forswear themselves, which in all times have been suppressed and deemed great abuses. Now for prevention thereof for the future, It is this day ordered by the Right Honourable the Lord High Chancellor of England, That from and after the first day of June next, no Interrogatories shall be exhibited for the Examination of any Witnesses, in any cause depending in this Court, whether in Court in the Examiners Office, or by Commission in the Country, before such Interrogatories shall be either drawn or perused by Counsel (after due consideration had of the Pleadings) and signed by them. But all Counsel are to take care that no Interrogatories do slightly pass their Hands, contrary to the true intent and meaning thereof, lest they incur the displeasure of the Court therein. And that all Depositions taken contrary hereto shall stand suppressed.

Ordo Curiae 6 Aprilis 1687.

Whereas for preventing of differences that did arise upon Decrees and Orders pronounced in open Court, the Right honourable the Lord
High

High Chancellor of England, hath, from time to time, caused all Minutes to be Read in open Court, that the Counsel at the Bar, and other persons concerned, might take notice of what did concern their respective Clients, and speak for the rectifying thereof, or adding thereto as occasion offered, whilst the matters were fresh in the Memory of the Court; and hath several times given directions, that none should presume either to petition or move the Court, complaining against any Order agreeing with the Minutes, except the Minutes should, after the reading thereof, be altered, or the Register shall fail in doing of his Duty pursuant thereto, without consent; and yet for want of due regard thereto, several Petitions have been since causelessly preferred: His Lordship doth therefore this day Order, That due observation be given by the Parties concerned, when any Minutes are read in Court, to the end that no farther Complaints may be made against the Officer, or the Minutes by him taken in Court, except as aforesaid; and to the end no person may plead ignorance hereof, his Lordship doth direct, That this Order be fixed up in the Offices of the Six Clerks, and Register of this Court, that all due obedience may be given thereto.

AFFIDAVITS

IN

CHANCERY.

On the serving of a Subpœna.

*Inter R. S. Quer^r,
G. J. R. H. & S. B. Def.*

THE Plaintiff maketh Oath that on the
&c. he this Deponent did serve the Defen-
dant G. J. and on, &c. did serve the De-
fendant R. H. and on, &c. did serve the
Defendant S. B. with a Writ of *Subpœna* under Seal
of this honourable Court, by delivering unto the
said G. J. and S. B. two several Labels thereof, and
by shewing them the body of the said Writ under
Seal, and by delivering the body of the said Writ
unto the said R. H. by which Writ the said Defen-
dants were directed to appear in the said Court the;
&c. next, at this Deponent's Suit:

Jur^d 22 Aug. 1673.

Another on the serving a Writ:

T. A. Gent. maketh Oath, that he this Deponent
on the, &c. last past, did serve the said Defendant
J. R. with a Writ of this honourable Court, by de-
livering the said Writ under Seal unto the said T. R.
by which Writ the said T. R. was directed to ap-
pear

Affidavits in Chancery.

pear in Court the first Thursday in the next Term, according to an Order of, &c. made in this Cause.

On the serving of a Warrant.

R. S. maketh Oath, that he this Deponent on the, &c. did serve the Defendant with a Warrant under the hand of D. A. one of the Masters of this Court, bearing date the, &c. by delivering unto him the said Warrant, by which Warrant the said Defendant or his Council, or some for him was appointed to be present before the said Master, by virtue of an Order out of this honourable Court of the fifth of March last past.

On the serving an Order.

W. P. maketh Oath, that he this Deponent on the, &c. did serve M. W. the Defendant's Solicitor with an Order made in this Cause the, &c. by shewing the said Order under the hand of the Register of this Court unto the said M. W. and by delivering unto him the true Copy thereof, by which Order the Defendant upon notice to the Solicitor is to attend the right honourable the Lord Keeper of the Great Seal of England, to morrow by Seven of the Clock in the said Order mentioned.

On the serving Interrogatories.

C. C. maketh Oath, that he this Deponent on the, &c. did leave with W. M. the Plaintiffs Clerk a true Copy of certain Interrogatories exhibited in the Examiners Office for the examination of Witnesses for the Defendant.

On the serving an Execution upon a Decree.

T. E. maketh Oath, that upon the, &c. he this Deponent did see N. P. serve the Plaintiff with the Writ of
of

of Execution of a Decree made in this Cause by shewing the said Writ under Seal unto the said Plaintiff, and delivering unto him a Copy thereof, by which Decree and Writ the Plaintiff was to, &c. in the said Decree mentioned.

On the serving of a Person for Costs, the Costs not being paid to the Deponent.

[This Writ must be served on the Person.]

E. N. maketh Oath, that on the, &c. he this Deponent did serve the Plaintiff with a Writ of *Subpoena* out of this honorable Court by delivering the said Writ under Seal unto the Plaintiff, by which Writ the Plaintiff was enjoined to pay the Sum of, &c. unto the Defendant. And this Deponent farther maketh Oath that he this Deponent did then demand the said Sum of, &c. of the Plaintiff, for the Defendant's use; but the Plaintiff did not then, nor hath at any time since paid the same to this Deponent, nor to the Defendant, nor to any other to his use to the Defendants knowledge.

On the serving an Order.

J. S. maketh Oath, that on the, &c. he did serve M. J. who dealeth for the Defendant in this Court, with the Order annexed by shewing the same, and delivering a true Copy thereof unto J. B. Servant of the said M. M. at his said Master's Seat in the Six Clerks Office.

Of tendering Money into the Court, and of refusal of receipt thereof.

E. E. and J. S. make Oath, that this present day being the Ninth of July, One thousand six hundred sixty nine, between the hours of two and four of the Clock in the Afternoon thereof, the said E. E. did in

the Middle-Temple Hall *London*, in the Plaintiffs behalf tender to be paid the Sum of Nine hundred pounds and seven shillings unto the Defendant *W. P.* who would not accept thereof, but did then and there refuse to receive the same.

An Affidavit for appointing such a time for the executing a Commission as the Defendants Commissioners could not attend.

The Defendant *R. W.* maketh Oath, that the time appointed by the Plaintiffs Commissioners for executing the Commission taken in this cause was at such a time as the Defendants Commissioners could not be present at the executing thereof so as he hath not examined any of his Witnesses, having several very material Witnesses to examine, the want of whose Testimony will hazard his Cause.

On giving notice of a Motion.

E. N. maketh Oath, that on the, &c. he did leave notice in writing at the Seat of, &c. in the Six Clerks Office (who, as he is informed and believes, is the Attorney that deals for the Plaintiff in this Cause.) That the Defendants did intend by their Council to move this Court on, &c. or as soon after as their Council could be heard.

Of endeavouring to serve a Defendant with Process that obscures her self.

H. B. maketh Oath, that he well knoweth the Defendant *J. W.* and hath on the Plaintiffs behalf very much endeavoured to find her to the intent to serve her with Process of *Subpœna* at the Plaintiffs Suit, but hath not been able to find her so to do, or the place where she resideth, although he hath been very diligent therein, and is well acquainted with divers of her Acquaintance and Relations. And this Depo-
nent

Deponent farther maketh Oath that he believeth that the said *J. W.* hath not for the space of four Months last past dwelled at any settled place of abode or habitation, but doth shift from place to place, as this Deponent verily believes on purpose to obscure her self from the Plaintiff and others who have cause of Suit against her.

Of the Truth of a Bill.

H. B. maketh Oath that he hath perused the Plaintiffs Bill exhibited against the Defendants, and was privy to all the matters and passages therein alledged touching the Mortgage of the Capital Messuage and premisses therein mentioned. And farther maketh Oath that 200 *l.* Bond therein mentioned was entred into by the Defendants *L.* and *H.* unto, and taken in the name of the said *F. W.* therein named for 100 *l.* part of the Mortgage Mony, for which the said Mortgage was made, and that the whole Mony payable upon the said Bond doth belong unto the Plaintiff, the Lady *M.* And this Deponent farther maketh Oath that the whole Substance of the Plaintiffs Bill, and the matters contained in his said Bill are true.

Affidavit by an Attorney at Law according to an Order in Chancery on the behalf of his Client.

Whereas by an Order made in this Cause the, &c. day of, &c. it was Ordered that leaving a *Subpena* with the Attorney at Law, who prosecutes the Action upon a Bond in the said Order mentioned on the behalf of the said *J. W.* may be good service of the said *J. W.* *J. S.* maketh Oath that on the second day of *June* instant he did deliver unto and leave with one *R. N.* who is Attorney at Law for the said *J. W.* in the said Action, a Writ of *Subpena* under the Seal of this honourable Court.

*An Affidavit of the Service of a Decree.**Inter L. N. Quer^r,**R. S. Defend.*

A. B. maketh Oath, that he having a Writ of Execution of a Decree, and several subsequent Orders made in this Cause under the Seal of this Court whereby the Defendant is forthwith to pay to the Plaintiff the sum of, &c. Did upon the tenth day of *F.* last personally serve the said Defendant with the said Writ of Execution, by delivering unto him a Copy thereof, and then shewing unto him the said Writ it'self under the Seal of the said Court, he being then at his house in the Parish of, &c. in the County of, &c. And at the same time this Deponent shewed unto the said Defendant a Letter of Attorney under the Complainants Hand and Seal empowering this Deponent to ask and receive of him the said Defendant the sum of, &c. and upon receipt thereof to give him a discharge for the same: A Copy of which said Letter of Attorney this Deponent then also left with the said Defendant, of whom this Deponent did at the same time demand the said sum of, &c. but the said Defendant did not then pay the same, or any part thereof to this Deponent, but absolutely refused so to do, nor hath he yet paid the same to this Deponent, or to the Plaintiff, or to any other for his use, to this Deponents knowledge.

*Jur^r, &c.**Affidavit that one of the Parties is gone to the West-Indies.**Inter L. C. & S. Ux^r ejus Quer.**H. N. Vid. Executr. W. N. Def.*

The Complainant *L. C.* maketh Oath that *W. N.* in this Deponents Bill, and the Answer of the Defendant named, Son of the Complainant *S.* by a former

Affidavits in Chancery.

7

former Husband, took a Voyage beyond the Seas in or about the Month of M. in the year of our Lord 1668. into the *West-Indies*, and is not yet returned, to this Deponents knowlege.

Jur', &c.

Affidavit to be made before a Master in Chancery, before the suing out a Commission of Bankrupt.

J. A. maketh Oath, "that *R. B.* of the City of *L.* Merchant, is truly and justly indebted unto this Deponent in the Sum of 100 *l.* and upwards, and that he is become a Bankrupt within the true meaning of one or some of the Statutes made against Bankrupts, as this Deponent believeth.

Jur', &c.

¶ "Note, The Creditors must name seven Commissioners, whereof three must be Esquires; of whom the Lord Chancellor strikes out two.

"The Bond to be entred into to the Lord Chancellor upon suing out the said Commission of Bankrupt.

"*Noverint universi per presentes me J. A. de, &c. teneri & firmiter obligari præhonorabili Georgio Domino Jeffreys Baroni de Wem Domino Cancellario Angliæ in ducentis libris bonæ & legalis monetæ Angliæ solvend. eidem Domino Cancellario aut suo certo Attornato, Executoribus, Administratoribus vel Assign' suis ad quam quidem solutionem bene & fideliter faciend. obligo me, Heredes, Executores & Administratores meos firmiter per presentes Sigillo meo sigillat'. Dat', &c.*

"The Condition of this Obligation is such, that if *R. B.* of the City of *L.* Merchant, be a Bankrupt within all or any of the Statutes lately made against Bankrupts, according as the above bound *J. A.* by his humble Petition exhibited to the above named

" Lord Chancellor of *England* hath alledged, then
 " this Obligation to be void or else to stand in full
 " force.

An Affidavit to be annexed to a Bill of Interpleader.

The Complainant maketh Oath, that he doth
 not exhibit this Bill by the Consent, Knowledge or
 Combination of any or either of the Defendants in
 this Bill mentioned, but only of his own free will, for
 Relief in this honourable Court,

Jur, &c.

Petitions in Chancery.

A Petition to renew a Commission.

William Riddle, *Esq; Plr.*

John Emerson, *Gen. and others, Defs.*

To the honourable the Master of the Rolls,

The humble Petition of the Defendants

Sheweth,

THat the said Defendants obtained an Order to
 plead, answer or demur to the Plaintiffs Bill,
 and accordingly a Commission was made out and
 returned as to *Hindmarsh* and *Ogle* (the other Defen-
 dants) but your Petitioner having some extraordi-
 nary occasions was constrained to go to *Hamburg*
 (where he did remain at least five or six weeks) and
 so lost the opportunity of returning his plea, answer
 or demurrer with the other Defendants:

Your Petitioner therefore humbly prays your
 Honour that he may be at liberty to renew the
 said Commission returnable *sine dil'one*, but in
 the mean time all things to stand in *statu quo*
prius against him.

And your Petitioner shall ever pray, &c.

A Pet.

Petitions in Chancery.

A Petition to amend a Bill without payment of Costs.

Buggin *contra* }
Millner. }

To the honourable the Master of the Rolls,
The humble Petition of the Plaintiff,

Sheweth,

That your Petitioner some time since exhibited his Bill into this Court against the Defendant, and the Defendant appeared thereto, but hath not to this day put in an Answer, for want whereof an Attachment issued, and the Defendant is still in contempt, not having answered to this day.

That your Petitioner is advised, that there is cause to make some little Amendment in his Bill:

Wherefore, and for that the Defendant is in contempt, and hath not to this day put in any Answer to your Petitioners Bill, and your Petitioners Amendment being very small,

Your Petitioner humbly prays he may be at liberty to amend his Bill without Costs.

And your Petitioner shall pray, &c.

22 Oct. 1680.

Let it be so.

Har. Grimston,

A Petition to accept of the Plaintiff's Bill without Costs.

Warren *contra* }
Flavell. }

To the honourable the Master of the Rolls,

The humble Petition of the Plaintiff,
Sheweth,

That your Petitioner having caused the Defendant to be served with a *Subpoena* to appear to your Petitioners Bill returned on Friday last, the Defendant hath since appeared and entred the appearance in the

the Costs Book, and although your Petitioners Bill is actually filed and was so as soon as Costs passed, yet the Defendants Council refuses to accept the same, although he is not at one penny costs.

Wherefore your Petitioner humbly prays your honour to order the Defendants Council to accept of your Petitioners Bill.

And your Petitioner shall pray, &c.

18 *May*, 1682.

Let it be so, there being
no Costs taxed.

Har. Grimston.

A Petition to give farther time for Publication.

Moses Pitts Plaintiff, }
Dame El. Davies and }
Tho. Davies Inf. Def. }

To the honourable the Master of the Rolls,

The humble Petition of the Plaintiff,

Sheweth,

That the matter in difference between your Petitioner and the Defendants being in reference, it was proposed that by consent Publication should pass at Whitsonide next, and the Cause be heard the next Term in case the matter could not in the mean time be amicably ended, and for that purpose an Order by consent was drawn up whereby Publication is to pass at Whitsonide :

That the matter hath depended under reference till now very lately, and your Petitioner doth now find that he is not like to make any amicable end, and hath not as yet examined one Witness, and Publication passes to morrow.

Your Petitioner humbly prays that Publication may be enlarged till the first day of the next Term,

Term, your Petitioner not desiring to put off the Cause from being heard the next Term.

And your Petitioner shall pray, &c.

21 Maii, 1681.

Be it so, whereof forthwith give notice.

Har. Grimston.

A Petition for time to put in the Defendants Answer:

Will. Winchurst *Quer.* }

Sam. Hunt *Gen. Def.* }

To the honourable the Master of the Rolls,

The humble Petition of the Defendant

Sheweth,

That the Plaintiff exhibited his Bill against your Petitioner in Michaelmas Term last, whereto your Petitioners then appeared, and took out a Commission to take his and the other Defendants answers in the Country; By vertue whereof the other Defendant is sworn to his answer, but your Petitioner could not answer in the Countrey for want of some Writings and Copies of Records which were here in Town. Nevertheless your Petitioner is now come to Town, and will answer here by the end of the Term.

Your Petitioner therefore humbly prays your Honour to grant him time to put in his answer to the said Bill, until the last day of the Term, and in the mean time that all Process of Contempt may be stayed.

And your Petitioner shall pray, &c.

28 Jan. 1681.

Let the Defendant have time to answer till Thursday sevn'ight, and in the mean time stay process, whereof give notice forthwith.

Har. Grimston.

A Pe-

A Petition that the Plaintiffs Clerk may deliver the Original Bill to the Defendants Clerk that he may take a Copy of it ; and in the mean time all Process of Contempt be stayed against the Defendant.

Aldsworth, Quer' }
Sheppard & al. Def. }

To the honourable the Master of the Rolls,
The humble Petition of the Defendant
Sheppard,

Sheweth, That your Petitioner being served with a *Subpoena* to answer the Plaintiffs Bill, to which he hath accordingly appeared and used his utmost endeavour to obtain the same in order to make a Copy to put in his Answer, but he cannot get the same, for that several other Defendants concerned therein had appeared and employed several Clerks to appear for them, and now the Bill lying in the hands of Mr. *Hunter* who refuses to deliver the same to your Petitioners Clerk.

Your Petitioner therefore humbly prays your Honour that Mr. *Hunter* may deliver the Record to your Petitioner's Clerk in order that he may answer the same, and that in the mean time all process of contempt may be stayed.

And your Petitioner shall pray, &c.

6 May, 1682.

Be it so, whereof forthwith give notice.

Har. Grimston.

A Petition that the Defendants Clerk may be ordered to accept the Plaintiffs Bill on payment of the Costs out of purse.

Marbury contra

Pierpoynt.

To the honourable the Master of the Rolls,
The humble Petition of the Plaintiff
Sheweth,

That your Petitioner having exhibited his Bill into this Court against the Defendant, and served the Defendant with process to appear and answer the same, the said Defendant appeared, and your Petitioners Bill not being filed at the exact day, though in a very few days after, the Defendants Clerk refuses to accept your Petitioners Bill, but insists on Costs.

Wherefore your Petitioner humbly prays that the Defendants Clerk may be ordered to accept your Petitioners Bill on payment of the Costs out of Purse.

And your Petitioner shall pray, &c.

27 Junii, 1682.

Let it be so.

Har. Grimstan.

A Petition for the Lord Chancellors Letter to require a Nobleman to appear and answer the Plaintiffs Bill.

John Harding Esq, Plaintiff,

The noble Marquis of Winchester Defr.

To the right honourable *Edward Earl of Clarendon,*
Lord high Chancellor of *England.*

The humble Petition of the Plaintiff
Sheweth,

That your Petitioner having exhibited a Bill in this honourable Court to be relieved against the Defendant

pendant for the matters therein contained, cannot by the ordinary process of this Court, compel him to answer the same till your Lordship hath first written to him so to do.

Your Petitioner humbly prays your Lordships Letter directed to the said Defendant to appear in this Court the 24th of this instant *December* and answer your Petitioners said Bill.

And your Petitioner shall pray, &c.

The Lord Chancellors Letter.

My Lord,

It appears by a Petition (a Copy whereof is herewith sent) that *John Harding Esq;* hath exhibited a Bill in Chancery against your Lordship, and desires your appearance thereunto the four and twentieth of this instant, wherefore I do at his request by this Letter (according to the manner used to persons of your quality) desire your Lordship to take knowledge thereof, and to give Order to those you employ in such cases for your appearance to the said Bill accordingly.

My Lord,

Your Lordships most affectionate
humble Servant, C. C.

Worcester-house,

Dec. 21. 1663.

To the right honourable *John Marquis of W.*

Decemb. 23. 1663.

I delivered this to Mr. *H.* one of my Lord Marquis's Servants.

A Letter to a Nobleman, to cause his Appearance to be entred to a Bill exhibited against him.

My Lord,

After our hearty Commendations to your Lordship; Whereas there is an English Bill exhibited into
His.

His Majesties Court of Exchequer at *Westminster*, against your Lordship and others, by L. S. We have thought fit to give your Lordship notice thereof, rather by these our Letters, than by awarding his Majesties ordinary Proceſs against you. Wherefore these are to pray your Lordship to give order for the entring of your appearance the 23d day of *October* next; And of putting in your Answer unto the said Bill, according to the usual Course, with all convenient speed. Of the which, nothing doubting but that your Lordship will have the care and regard which thereto appertaineth, We bid your Lordship heartily farewell.

Your Lordships very
Loving Friends.

Westminster,
Duodecimo Julii,
1687.

A. B. C. D. E. F.

A Letter to a Nobleman to come to a Barons Chamber, to be examined upon Interrogatories.

May it please your Lordship, after my hearty Commendations, whereas there is a Cause depending in his Majesty's Court of Exchequer at *Westminster*, between Sir R. S. Knight, his Majesty's Attorney General, for and on the behalf of his Majesty Plaintiff, and Sir A. B. Knight Defendant, wherein you are desired to be examined, as on the behalf of his Majesty upon certain Interrogatories, remaining before me at my Chamber in Serjeants-Inn in *Fleetstreet, London*; whereof I rather thought fit hereby to give your Lordship notice, than by awarding his Majesties Proceſs in that behalf. So not doubting of your ready compliance herein, I rest your Lordships very Loving Friend.

E. A.

A Letter.

A Letter to a Nobleman to bear Judgment, &c.

After our hearty Commendations to your Lordship, Whereas there is a cause depending by English Bill in his Majesties Court of Exchequer, between *H. M.* Plaintiff and your Lordship, and others Defendants; which Cause is appointed to be heard in the Exchequer-Chamber at *Westminster* on Thursday, the second sitting there on Thursdays the next Term. We therefore have thought it fit to give you notice thereof, rather by these our Letters, than by awarding his Majesty's ordinary process against you. Wherefore these are to pray your Lordship to give Order to your Lordships Council learned in the Laws, and such others as you shall think fit, to be ready and prepared at the said hearing of the said Cause in your Lordships behalf, at the time and place before mentioned then and there to have and receive the Judgment and Decree of the said Court, in the premisses according to the usual Custom in such Cases, of the which nothing doubting, but that your Lordship will prepare your Counsel accordingly, we take our leave this Tenth day of, &c. 1687.

Your Lordships to command.

A Petition to the Lord Chancellor for a Writ de Lunatico Inquirendo.

To the right honourable *Anthony* Earl of *Shaftsbury*
Lord Chancellor of *England*,

The humble Petition of *Sir T. C.* Knight on the behalf of *M. and E. A.* his Grandchildren, Daughters of *T. A.* Esq; by *E.* his Wife, the Petitioners Daughter deceased.

Sheweth,

That the said *T. A.* for divers years past hath been, and still is *non compos mentis*, and not able to defend
and

and govern himself, or order his Estate whereby to maintain himself and family, but hath made alienation thereof, and otherwise wasted and destroyed the same.

The Petitioner therefore prayeth that a Writ *de Lunatico Inquirendo* may be granted to enquire of the Lunacy of the said T. A.

And he shall pray, &c.

A Petition to the Master of the Rolls for an Attachment:

To the honourable Sir H. G. Master of the Rolls,
The humble Petition of the Plaintiff,

Sheweth,

That whereas the Defendant being in contempt for breach of a Decree made in this Cause, lies in *Lincolns-Inn* Fields, as by the Affidavit annexed appears.

May it please your Honour to award an Attachment against him returnable immediately.

And your Petitioner shall pray, &c.

A Petition for Alimony:

The humble Petition of E. A. Wife of Sir R. A. Knight.

Sheweth,

That your Petitioner, being one of the Daughters of Sir F. H. Kt. was about 11 years married to the said Sir R. A. to whom she brought a competent Portion, during which time your Petitioner, through extreme cruelty of her said Husband, hath suffered very much, and thereby contracted to her self exceeding weakness, and much sickness, which her Husband regardless of, hath enforced your Petitioner, for recovery of her health, to contract a great Debt of 300 *li.* besides being chargeable and burthenfome to her Friends: And her said Husband, although

he hath, &c. *per annum*, doth deny your Petitioner any competent allowance for her self and Family, whereby your Petitioner, without your Lordships speedy relief herein, is likely to be exposed to great misery.

Your Petitioner most humbly prayeth your Lordship to be pleased to summon the said *R. A.* before you, that your Petitioner may (as in such cases is usual) receive Relief, and such competent maintenance as to your Lordship shall seem meet upon the hearing of your Petitioners just complaint, and may have an allowance *pro expensis litis* in the mean time.

And she shall ever pray, &c.

A Petition for a Re-hearing.

The humble Petition of the Defendants,
Sheweth,

That the Petitioners find themselves very much aggrieved by a decretal Order made in this Cause the 5th instant, by the honourable the Master of the Rolls, whereby your Petitioner is ordered and decreed to pay unto the Plaintiff the sum of 400 *li.* by, &c. next, with interest for the same, from the time of the said hearing till the Mony be paid, which sum of 400 *li.* having been long since paid, and good proof thereof made, as your Petitioner is advised.

Your Petitioner humbly prayeth that your Lordship will be pleased to vouchsafe a Re-hearing in this Cause before your Lordship, he submitting to pay what Costs the Court shall award in case his complaint be found causeless.

And your Petitioner shall pray, &c.

A Petition for a Letter for a Person of Honour to bear Judgment.

The humble Petition of the Plaintiff,
Sheweth,

That the Cause depending in this Court between the said parties is set down to be heard the 20th of this *November* instant.

The Petitioners therefore humbly pray your Honour will be pleased, according to the course in like cases used to Persons of Honour, to grant your Letters of Summons to the said Countess to attend and hear Judgment in the said Cause.

And your Petitioner shall ever pray, &c.

A Petition for an Appeal in Chancery.

F. H. Plaintiff, }
J. E. of S. and E. S. Def. }

The humble Petition of the Defendants,
Sheweth,

That your Petitioners find themselves aggrieved by a Decree or decretal Order made in this Cause the 21st of *April* last past, whereby your Petitioners J. and E. S. are ordered and decreed to pay unto the Plaintiff 100 *li.* by, &c. and according to the Ordinance for the better regulating and limiting the Court of Chancery, and the, &c. Section thereof, have deposited the sum of 100 *li.* in the hands of the senior Register, as by Certificate annexed appeareth, and there being nothing more required by the said Decree to be performed by your Petitioners, as by the Copy of the said decretal Order annexed doth appear.

The Petitioners therefore humbly pray, that according to the said Ordinance your Lordship
C 2 will

will be pleased by your subscription to this Petition, to signifie your allowance of Re-hearing of the said Cause, and to send notice thereof, together with this Petition, to the Courts of Kings-Bench, and Common Pleas, and the Exchequer, that such Judges as the said Ordinance directs may be appointed, and being signified to your Lordship, with the said Judges, will be pleased to appoint a day for such Re-hearing, according to the said Ordinance.

And your Petitioners shall ever pray, &c.

An Affidavit to admit a Defendant in forma pauperis.

The said Defendant maketh Oath, that his Debts being paid, he is not worth $\text{5} \text{ l.}$ in the whole World.

The Petition to be admitted.

To the right honourable the Master of the Rolls.

The humble Petition of the Defendant,

Sheweth,

That your Petitioner being very poor, as by the Affidavit and Certificate annext appeareth, and being served with Process to appear and answer at the Plaintiffs Suit, is by reason of such his poverty, unable to make his defence.

In tender consideration whereof, he humbly prays your Honour to admit him to defend this Suit *in forma pauperis*, and to assign him for his Council Mr. B. and Mr. A. and for his six Clerk Mr. P.

And your Petitioner shall ever pray, &c.

A Certificate of his Poverty.

These are to certifie all whom it may concern, that J. H. of, &c. is a very poor Man;

A Pe

A Petition to examine a Defendant as a Witness having disclaimed by his Answer.

C. E. Plaintiff, }
E. F. and others Defts. }

To the right honourable the Lord Keeper of the Great Seal of *England*.

The humble Petition of the Defendants, Sheweth,

That *J. B.* whom the Plaintiff hath made Defendant in this Cause, hath by his Answer disclaimed to have any interest in the Premisses in question for your Petitioners in this Cause.

The Petitioners therefore humbly pray, that they may have liberty to examine the said *J. B.* as a Witness *de bene esse*.

Orders in Chancery.

An Order for the Plaintiff to amend his Bill upon payment of Costs; and the Plaintiff to put in a farther Answer.

Lord Keeper.

Lunæ 7 die Maii, Anno Regni Regis Car. 2. 35.

Inter Eliz. Weight & al^s Quer. Annam Perril

Vid. Def.

UPon Information this day made unto this Court by Mr. *Penton*, being of the Plaintiffs Council, it was alledged that the Plaintiffs having exhibited their Bill into this Court against the said Defendants to be relieved for the matters therein contained, and forasmuch as the Plaintiffs finding their Bill to be mistaken in some material points therein: It is there-

fore prayed that the Plaintiffs might be at liberty to amend their Bill as they shall be advised, and that the Defendants put in another Answer thereto, which this Court upon the Plaintiffs paying the Defendants 20 s. costs for the same doth order accordingly.

An Order for the Plaintiff to dismiss his Bill upon payment of 20 s. Costs.

Lord Keeper.

Lunæ 12 die Febr. Anno Regni Car. 2. Regis 35.

Inter Rob. Walden Quer. Mariam Armistead & al^a Def.

Upon opening the matter this present day unto this Court by Mr. *Rezvay*, being of the Plaintiffs Council, It was alledged that the Plaintiff having had dealing with Mr. *Armistead* deceased, the Defendant *Mary's* Testator, and he dying considerably indebted to the Plaintiff, the Defendant *Mary* had proved his Will, and possessed his Estate, and the Plaintiff having brought his Action for the recovery of his Debt, the Defendant *Mary* pleaded *plene administravit* thereto, so that to discover the said Testators Estate the Plaintiff exhibited his Bill, but the Defendants had so intreagued the said Estate, that the Plaintiff could not make discovery thereof. Wherefore, and in regard there had been no farther proceedings than only to Bill and Answer, it was prayed that the Plaintiffs Bill may stand dismissed with 20 s. Costs, which is ordered accordingly.

Intr.

An

*An Order to discharge a former Order made to a Master
for taxing of Costs, &c.*

At the Rolls,
Mr. of the Rolls,

*Foris 27 die Junii Anno Regni Car. 2. Regis 35.
Inter Johannem Walden Quer^r, Mariam Armistead & alⁱ Def.*

Upon opening of the matter this present day unto this Court by Mr. *Hutchins*, being of the Plaintiffs Council, it was alledged that the Plaintiff having a considerable Debt owing unto him by *Francis Armistead*, the Defendants late Husband, did exhibit his Bill to discover Assets, but the Defendants have so contrived together that the Plaintiff is not like to have any benefit thereof, and thereupon did dismiss his Bill with twenty shillings Costs to be taxed by a Master in regard the Defendants had answered severally, whenas they all appeared by one Council, and answered by one Defendant, and therefore it was prayed that the Order for taxing of Costs by a Master may be dismissed: Whereupon it is ordered that the Order for taxing of Costs be discharged, but the Plaintiff is to pay twenty shillings Costs for dismissing his Bill for every several Answer put in thereunto.

Intr.

*Geo. Edwards
Deput. Reg.*

An Order for continuing of an Injunction, upon bringing of Money into Court by a day prefixt, otherwise the Injunction to be dissolved.

Mr. of the Rolls,
Sir Will. Beversham,
Sir Miles Cook.

Foris 12 die Julii Anno Regni Car. 2. Regis 35.

Inter Will. Ward Quer', Joseph Newton Def.

Whereas by an Order of the 28th day of June last, It was ordered that the Injunction in this Cause should stand absolutely dissolved, unless Cause were this day shewn to the contrary. Now upon opening of the matter this present day unto this Court by Mr. Rawlinson, being of the Plaintiffs Council, in the presence of Mr. Serjeant Stringer, being of the Defendants Council; the Plaintiffs Council now moved, and offered divers reasons for the continuance of the Injunction in this Cause; whereupon, and upon hearing of the Defendants Council, and what was alledged on either side, It is ordered, that the Plaintiff do by Michaelmas next, bring into this Court the sum of 67 l. 18 s. and thereupon the Injunction in this Cause is continued till the hearing; But in default thereof the said Injunction is from thenceforth absolutely dissolved, which in the mean time is hereby continued.

An Order for the setting down a Cause for hearing at a certain day.

Foris 5 die Julii Anno Regni Car. 2. Regis 35. Inter Weeks Quer. Goodwin Def.

Upon consideration this present day had by the right honourable the Lord Keeper of the Great Seal of England, of the Plaintiffs humble Petition, for the

the reasons therein contained, his Lordship doth order that this Cause be heard on the 13th instant.

Per Hen. Devinish
Deput. Reg.

An Order in confirmation of a former Order, for taking out a Commission to examin Witnesses, and that Publication may pass, and the Cause set down to be heard by the time prefixed.

Lord Chancellor.

*Jovis 4. die Novembris Anno Regni Regis Car. 2. 21.
Inter Robertum Allonson & al. Quer. Edm.
Starkey, Def.*

Whereas by an Order of the 22d day of June last it was ordered that the Plaintiffs should take out a new Commission and examin their Witnesses over again, and that the former Commission should stand suppressed; But if any of the Witnesses formerly examined should die before the execution of the new Commission, the Depositions of such Witnesses were to stand. Now upon opening of the matter this day unto this Court by Mr. Rawlinson, of Council with the Plaintiffs, It was prayed, that this Cause might be forthwith set down to be heard this Term, the matter in question being only matter of Accompt; but Mr. Stedman, of Council with the Defendant, alledging that the Defendant could not examin one Witness in the Cause, because the Plaintiffs did not take out a Commission according to the said Order, and that the Defendant hath many Witnesses to examin in Lancashire, who cannot attend to be examined in Court, and upon hearing what was alledged on either side, it is ordered that the Defendant do take out a Commission for examination of Witnesses according to the said Order, and that Publication do pass the first day of the next Term, and the Cause be heard the same Term.

An

An Order for putting off a Cause from bearing, for the space of one whole Term, for that the Defendant is at Sea upon his return from Jamaica, &c.

*Mercurii 15 die Junii Anno Regni Car. 2. Regis 33.
Inter Will. Urwin Quer', Johannem Ewbanke
Def.*

Whereas by an Order of the third of June instant, upon motion of the Complainants Council, it was ordered that the leaving of a *Subpoena* to hear Judgment, with the Defendants Clerk in Court should be deemed a good service for the said Defendant to appear to hear Judgment in this Cause. Now upon motion this day made unto this Court by Mr. Viney, being of the Defendants Council, it was alledged that the Defendant being now at Sea, but upon his return in a Voyage from *Jamaica*, and having several Notes and Receipts which are necessary to be made use of at the hearing, but cannot be produced till such his return, and for that the said Defendant hath likewise one or more Witnesses or Witnesses which is or are to be examined *viva voce* at the hearing, who at present being far distant and remote cannot possibly be procured to attend at such time as this Cause is appointed to be heard; Whereupon it is ordered that this Cause be put off till the first day of Causes in *Michaelmas* Term next, and thereupon the said Defendant without farther notice is to appear *gratis* at the hearing thereof.

An Order that an Injunction for stay of Proceedings at Common Law shall stand absolutely dissolved, upon the Defendants putting in a full and present Answer, and thereby hath denied the whole Equity of the Plaintiffs Bill.

At the Rolls,
Mr. of the Rolls,
Sir Jo. Franklyn,
Sir Jo. Hoskins,

*Mercurii 11 die Maii Anno Regni
Car. 2. Regis 33. Inter Rob.
Braudling Ar^r Quer^r, Hen.
Anderson Ar^r & alⁱ Def.*

Whereas the Plaintiff obtained an Injunction for stay of the Defendants proceedings at Law until Answer and other Order to the contrary. Now upon opening of the matter this present day unto this Court by Mr. Rawlinson, being of the Defendants Council, it was alledged that the said Defendants have since put in a full and present Answer to the Plaintiffs Bill, and thereby denied the whole Equity thereof: It was therefore prayed that the said Injunction may stand absolutely dissolved, which is ordered accordingly, unless the Plaintiff, on notice to his Clerk in Court, shall on the last day of this Term shew unto this Court good cause to the contrary.

Intr.

per Tho. Champion
Deput. Reg.

An Order for dismissing the Plaintiffs Bill, for want of proceeding thereupon, after the Defendant hath put in her Answer.

Lord Chancellor.

Luna 11 die Octob. Anno Regni Regis Car. 2. 32. Inter Johan. Taylor & alⁱ Quer^r, Jonam Mattox Def.

Upon opening of the matter this present day unto this Court by Mr. Kerye, being of the Defendants Council, it was alledged, that the Plaintiff in Hilary

An Order for putting off a Cause from hearing, for the space of one whole Term, for that the Defendant is at Sea upon his return from Jamaica, &c.

*Mercurii 15 die Junii Anno Regni Car. 2. Regis 33.
Inter Will. Urwin Quer', Johannem Ewbanke
Def.*

Whereas by an Order of the third of June instant, upon motion of the Complainants Council, it was ordered that the leaving of a *Subpoena* to hear Judgment, with the Defendants Clerk in Court should be deemed a good service for the said Defendant to appear to hear Judgment in this Cause. Now upon motion this day made unto this Court by Mr. Viney, being of the Defendants Council, it was alledged that the Defendant being now at Sea, but upon his return in a Voyage from *Jamaica*, and having several Notes and Receipts which are necessary to be made use of at the hearing, but cannot be produced till such his return, and for that the said Defendant hath likewise one or more Witness or Witnesses which is or are to be examined *viva voce* at the hearing, who at present being far distant and remote cannot possibly be procured to attend at such time as this Cause is appointed to be heard; Whereupon it is ordered that this Cause be put off till the first day of Causes in *Michaelmas* Term next, and thereupon the said Defendant without farther notice is to appear *gratis* at the hearing thereof.

An Order that an Injunction for stay of Proceedings at Common Law shall stand absolutely dissolved, upon the Defendants putting in a full and present Answer, and thereby hath denied the whole Equity of the Plaintiffs Bill.

At the Rolls,
Mr. of the Rolls,
Sir Jo. Franklyn,
Sir Jo. Hoskins,

*Mercurii 11 die Maii Anno Regni
Car. 2. Regis 33. Inter Rob.
Braudling Ar^r Quer^r, Hen.
Anderson Ar^r & alⁱ Def.*

Whereas the Plaintiff obtained an Injunction for stay of the Defendants proceedings at Law until Answer and other Order to the contrary. Now upon opening of the matter this present day unto this Court by Mr. Rawlinson, being of the Defendants Council, it was alledged that the said Defendants have since put in a full and present Answer to the Plaintiffs Bill, and thereby denied the whole Equity thereof: It was therefore prayed that the said Injunction may stand absolutely dissolved, which is ordered accordingly, unless the Plaintiff, on notice to his Clerk in Court, shall on the last day of this Term shew unto this Court good cause to the contrary.

Intr.

*per Tho. Champion
Deput. Reg.*

An Order for dismissing the Plaintiffs Bill, for want of proceeding thereupon, after the Defendant hath put in her Answer.

Lord Chancellor.

Lunæ 11 die Octob. Anno Regni Regis Car. 2. 32. Inter Johan. Taylor & alⁱ Quer^r, Jonam Mattox Def.

Upon opening of the matter this present day unto this Court by Mr. Kerye, being of the Defendants Council, it was alledged, that the Plaintiff in Hilary

lary Term, 1678. exhibited his Bill into this Court against the said Defendant, whereto the said Defendant the same Term put in his Answer, since which the Plaintiffs have no way proceeded in their Cause, and therefore it was prayed that the said Plaintiffs Bill may stand dismissed out of this Court, with the ordinary Costs of seven Nobles, which this Court held reasonable, and doth order the same accordingly.

Intr,

An Order of Reference to a Master upon Exceptions.

Martis 23 die Octob. Anno Regni Car. 2. Regis 35.

Inter Isaac Hall & alⁱ Quer^r, Ellen Sawrey Def.

Upon opening of the matter this present day unto this Court by Mr. Williams, being of the Plaintiffs Council, It was alledged that the Plaintiffs having filed their Bill in this Court against the said Defendant, the said Defendant accordingly appeared and put in an Answer to the said Bill, whereto the Plaintiffs have taken Exceptions; and the said Defendant hath not amended her Answer by the time allowed her by this Court; It is thereupon ordered that the Plaintiffs Bill, the Defendants Answer, and the Exceptions thereto taken do stand referred to Sir

Kt. one of the Masters of this Court, who is to examin and certifie whether the Defendants Answer be sufficient or not.

An Order to confirm a former Order for dissolving an Injunction nisi causa, no cause being shewn.

At the Rolls,
Mr. of the Rolls.
Sir Jo. Coell,
Sir Jo. Baldwin.

Martis 17 Maii Anno Regni Regis Car. 2. 33. Inter Mungo Scot Quer^r, Janam Allison & alⁱ Def.

Whereas by an Order of the 10th day of May instant it was ordered that the Injunction in this Cause should

should stand dissolved unless cause were shewn to the contrary on the last day of this last Term. Now upon opening of the matter this present day unto this Court by Mr. *Rawlinson*, being of the Defendants Council, it was alledged that due notice was given of the said Order, as by the Affidavit now read appeared, but no cause hath been shewn to the contrary, as by Certificate from the Register appears; and therefore it was prayed that the said last Order may be made absolute, which this Court held reasonable and doth order the same accordingly.

An Order for the Plaintiff to 'dismiss his Bill, in regard the Defendant did demur to it, and the Demurrer was never argued.

Mr. of the Rolls,
Sir *John Franklyn*,
Sir *Miles Cook*.

*Mercurii 27 die Junii Anno
Regni Car. 2. Regis 35. In-
ter Saram Watts Quer^r,
Rich. Snazdale & al' Def.*

Upon opening of the matter this present day unto this Court by Mr. *Rawlinson*, being of the Plaintiffs Council, it was alledged that the Plaintiff having exhibited her Bill into this Court, against the said Defendants, the said Defendants had put in a Demurrer thereto; wherefore, and in regard the said Demurrer hath not been yet argued, it was prayed that the said Plaintiff may be at liberty to dismiss her Bill with twenty shillings Costs, which this Court held reasonable, and doth order the same accordingly.

Intr.
Watts C. Snazdel,

*Geo. Edwards
Deput. Reg.*

Received of the Plaintiffs Clerk in } l. s. d.
Court the twenty shillings above writ- } 01 00 00
ten pursuant to this Order,

per me Ja. Wilkinson.

An

An Order that the Publication may pass, and the Cause be heard the next Term.

Lord Chancellor.

*Martis 13 die Decemb. Anno Regni Car. 2. Regis 33.
Inter Willielm' Marshal Quer^s, Gualterum Rose,
& Samuel' Quiney Def.*

Upon opening of the matter this present day by Mr. *Vaughan*, being of the Plaintiffs Council, it was alledged that in Hillary Term 1679. the Plaintiffs Bill was filed in this Court, whereto the Defendants appeared, and sate in contempt for not answering, and the Plaintiff long since served the Defendants to rejoyn, and hath examined all his Witneses, Wherefore it was prayed that Publication may forthwith pass, and that the Cause may be heard the next Term, whereupon it is ordered, that Publication do pass in this Cause on the first day of the next Term, and that the Plaintiff be at liberty to procure this Cause to be heard some time in the same Term.

Intr.

Dd. a Copy 9 Jan. in Mr. Snow's Seat in the presence of the Clerk.

An Order for putting off a Cause upon a Bill of Reviver from being heard at the time prefixed, for that the Defendants Solicitor, who hath the Writings in his custody, is far remote in the Country.

Lord Chancellor.

*Mercurii 4 die Maii Anno Regni Regis Car. 2. 33.
Inter Henricum Richardson Quer^s, Elian' Clen-
nel & al^s Def.*

Upon opening of the matter this present day un-
to this Court by Mr. Serjeant *Stringer*, being of
the

the Defendants Council in the presence of Mr. *Rawlinson*, being of the Plaintiffs Council, the Defendants Council alledged, that the Plaintiffs do very violently drive on this Cause, the Defendants having put in their Answer to the Bill of Reviver, but in *Hillary* Term last, and the Defendants are served to hear Judgment, on the seventh instant, by which time the Defendants Solicitor, who hath all the Deeds and Writings in this Cause, cannot be in Town, he living in the County of *Northumberland*, and if the Cause should go on as it is now set down, the Defendants would be much surpris'd, not being able to make their defence by that time, and therefore it was prayed, that this Cause may be put off from being heard till the next Term; but the Plaintiffs Council alledged that the Plaintiff hath been much delayed, the Cause being ready for a hearing in the Life time of the Defendants Ancestor and Testator, who had fully examined all his Wineffes in the original Cause, and there is no new matter in the Plaintiffs Bill of Reviver, but the Defendants being in possession do endeavour to avoid their being brought to a hearing, and the Defendants having been so long since served to hear Judgment: It was prayed that the Cause may go on as it is now set down; whereupon, and upon hearing what was alledged by Council on either side, it is ordered, that this Cause be put off from being heard on the seventh of this instant to the thirteenth instant, and that the same do then come on to be heard.

Intr.

An

An Order that leaving of a Subpoena with the Defendants Attorney at Law (notwithstanding the Defendant is beyond Sea, and prosecutes the Plaintiff at Law by his Attorney, for the same matters for which the Plaintiff seeks Relief by his Bill) shall be a good service for the Defendant to appear and answer.

At the Rolls,
Mr. of the Rolls.

*Veneris 11 die Maii Anno Regni Car. 2. Regis 35.
Inter Josephum Crispe Quer^r, Philippum Re-
verfi Def.*

Upon opening of the matter this present day unto this Court by Mr. Collins, being of the Plaintiffs Council it was alledged that the Plaintiff having exhibited his Bill into this Court against the said Defendant, the said Defendant doth prosecute the Plaintiff at Law by his Attorney, for the same matters for which the Plaintiff by his Bill seeks Relief, although the said Defendant be beyond Sea, and cannot be served with Process to appear to answer the Plaintiffs Bill, as by Affidavit now read appeared; It was therefore prayed that the leaving of a *Subpoena* with the said Defendants Attorney at Law, may be a good service for the said Defendant to appear and answer the Plaintiffs Bill, which this Court held reasonable, and doth order the same accordingly.

Intr.

Geo. Edwards,
Deput. Reg.

An Order by consent, that Publication pass, the Cause be heard at such a time, and the Defendant appear gratis to bear Judgment on ten days notice.

*Mercurii 20 die Aprilis Anno Regni Car. 2. Regis 33.
Inter Moslem Pitt Quer', Dom. Eliz. Davies Vid.
& Tho. Davies Ar' Inf. per Guard. Def.*

It is this present day ordered by the consent of the said Parties, Plaintiff and Defendant, their Council in Court and Solicitor, that Publication do pass in this Cause the first day of *Trinity Term* next, and that this Cause be heard some time in the same Term, and that the said Defendants do appear *gratis* to hear Judgment on ten days notice to their Council in Court.

An Order that the Defendant shall rejoyne and joyn in Commission with the Plaintiff; or otherwise the Plaintiff may take out a Commission ex parte.

Lord Keeper.

*Sabbati 17 die Februar' Anno Regni Car. 2. Regis 35.
Inter Annam Sharp Quer', Johannem Sharpe &
al' Def.*

Upon opening of the matter this present day unto this Court by Mr. Kerry, being of the Plaintiffs Council, it was alledged that the Plaintiff exhibited her Bill into this Court in *Trinity Term* 1681. but the Defendants by sitting in contempt, and after having put in a frivolous Plea, have very much delayed the Plaintiff in her Cause; and the Plaintiff having many aged and infirm Witnesses to examin, and the Plaintiff having replied to the Defendants Answer, and the Cause being at Issue, and this Vacation being a proper time for examining of Witnesses, it was prayed that the Defendants may forthwith rejoyne and joyn in Commission, or the Plaintiff may have a

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Commission *ex parte*; whereupon it is ordered, that the said Defendants do in four days after notice thereof to their Council in Court, rejoyn and joyn in Commission and strike Commissioners names, or in default thereof, the Plaintiff is at liberty to take out a Commission for examination of her Witnesses *ex parte*.

Intr.

An Order that the Defendant shall have farther time to put in his Answer to the Plaintiffs Bill which hath a long account annexed thereunto touching several matters transacted beyond the Seas.

Mr. Justice Wyndam,
Sir John Coel;
Sir Tym. Baldwyn.

Sabbati 5 die Novembris
Anno Regni Regis Car. 2.
33. Inter Will. Fearne
Quer. Johan. Parker Def.

Upon opening of the matter this day unto this Court by Mr. Whitlock, of the Defendants Council, it was alledged that the Plaintiff hath exhibited his Bill this Term with a long account annexed thereto touching several matters transacted beyond the Seas, and the Defendant cannot give a full and perfect Answer thereto, nor instruct his Council to draw the same without looking into divers Letters and Accounts sent to and from the Plaintiff and others touching the said matters, which will require some time for the doing thereof: It was therefore prayed that the said Defendant may have time to put in his Answer to the said Bill till the end of this Term, which is ordered accordingly.

An Order upon Petition that a Subpœna left with the Defendants Clerk to rejoyn and joyn in Commission, is a good service.

*Martis 13 die Novemb. Anno Regni Regis Car. 2. 35.
Inter Philadelphiam Bradford Quer', Lionel
Copley Def.*

Upon consideration this present day had by the honourable the Master of the Rolls, of the Plaintiffs humble Petition for the reasons therein contained, it is ordered that the leaving of a *Subpœna* to rejoyn and joyn in Commission with the Defendants Clerk in Court be deemed a good service of the said Defendant to rejoyn and joyn in Commission with the Plaintiff.

An Order that an Injunction to stay proceedings at Law shall stand dissolved, unless good Cause shall be shewn at the first Seal after Term.

At the Rolls,
Mr. of the Rolls.

*Martis 13 die Februar. Anno Regni Regis Car. 2. 35.
Inter Robertum Wilkinson Quer', Aliciam Hedley Vid. Def.*

Whereas the Plaintiff obtained an Injunction for stay of the Defendants proceedings at Law until Answer and other Order: Now upon opening of the matter this day unto this Court by Sir *Tho. Stringer*, being of the Defendants Council, it was alledged that the Defendant hath since put in her Answer to the said Plaintiffs Bill, and thereby denied the whole Equity thereof; It was therefore prayed that the said Injunction may stand dissolved, which is ordered accordingly, unless the Plaintiff his Clerk in Court, having notice hereof, shall at the first general

neral Seal after this Term shew unto this Court good cause to the contrary.

per Carew Guidott,
Deput. Reg.

An Order that the Plaintiff shall have a Weeks time to file his Bill, without prejudice, in regard he hath severall Papers to peruse, and that Process is served upon the Defendant to appear and answer.

Lord Chancellor.

*Martis 30 die Maii Anno Regni Car. 2. Regis 34.
Inter Johannem Page Quer^s, Benjamin' Bonwick
& alⁱ Def.*

Upon opening of the matter this present day unto this Court by Mr. *Holford*, being of the Plaintiffs Council, it was alledged that the Plaintiff having served the Defendants with Process to appear and answer his Bill returnable the latter end of this Term, but the Plaintiff hath severall Papers to peruse, so that he cannot file his Bill in time, it was therefore prayed that the Plaintiff may have a Weeks time to file his Bill without prejudice, which is ordered accordingly.

Intr.

An Order that the Defendants shall have farther time to answer, and that all Process of Contempt be stayed in the mean time, in regard they must set forth a long and intricate Account.

At the Rolls,
Mr. of the Rolls.

*Lunæ 6 die Novemb. Anno Regni Car. 2. Regis 34.
Inter Joan. Battin & alⁱ Quer^s, Susan' Bulkley
& alⁱ Def.*

Upon opening of the matter this present day unto this Court by Mr. *Bramston* being of the Defendants Council,

Council, it was alledged that the Defendants having lately appeared to the Plaintiffs Bill did find that the Plaintiffs do by their Bill endeavour to call the Defendants to account for a considerable Estate left by their Testator, which accounts being of an Executorship are very long and intricate and will require a considerable time to make up the account so as to give the Plaintiff a perfect Answer: Wherefore, and for that the Defendants time for Answering is not yet out, and for that there are no suits at Law, it was prayed that the Defendants may have time to answer the Plaintiffs Bill till Christmas next; whereupon it is ordered, that the Defendants shall have time to answer till the last Saturday in this Term, and in the mean time all Process of Contempt for not answering are stayed.

An Order to insert a Persons name (hitherto omitted) as a Defendant in the Bill.

At the Rolls,
Mr. of the Rolls.

*Veneris 25 die Junii Anno Regni Car. 2. Regis 32.
Inter Ed. Gosling & al' Quer', Joan. Ingram &
al' Def.*

Upon opening of the matter this present day unto this Court by Mr. Kerry, being of the Plaintiffs Council, it was alledged that the Plaintiffs having exhibited their Bill into this Court against the said Defendants, have lately discovered that *Samuel Perk* Clerk is a material person to be made a Defendant in this Cause; It was therefore prayed that the Plaintiffs may be at liberty to insert the said *Samuel Perk* into the Bill, and to make him a Defendant with apt words to charge him, which this Court held reasonable, and doth order the same accordingly.

Intr.

An Order for the adjourning the hearing of a Cause till after the Term, notwithstanding a former Order for publication and hearing within Term in regard of a Treaty of Accommodation between the Parties.

At the Rolls,
Mr. of the Rolls.

*Mercurii 15 die Novemb. Anno Regni Car. 2. Regis
34. Inter Paulum Weeks Quer', Will. Pedly &
al' Def.*

Upon opening of the matter this present day unto this Court by Mr. *Hutchins*, being of the Plaintiffs Council, it was alledged that the Plaintiff by Order made last Term, was to bring his Cause to a hearing this Term, and Publication was to pals the first day of this Term, and in the mean time the Injunction was continued; but there having been a Treaty between the said parties and the Plaintiff, being in hopes to accommodate the matter in an amicable way, hath not examined any Witnesse, nor have the Defendants examined one Witness, and the Plaintiff hath set down the Cause for the last day of Causes; It was therefore prayed that Publication may be enlarged till the last day of the Term, and that the Cause may be adjourned to be heard some day of Causes after the Term, and the Injunction be in the mean time continued, which this Court held reasonable, and doth order the same accordingly.

Intr.

*per T. Champion,
Deput. Reg.*

An Order of Reference to a Master, of a Bill, Answer and Exceptions.

Lord Chancellor,

Veneris 11 die Junii Anno Regni Car. 2. Regis 32. Inter Joh. Athy Quer. Richard. Athy Def.

Upon opening of the matter this present day unto this Court by Mr. *Rawlinson*, being of the Plaintiffs Council, it was alledged that the Defendant hath put in a very insufficient Answer to the Plaintiffs Bill, whereto the Plaintiff hath taken Exceptions: It is ordered that the Plaintiffs Bill, the Defendants Answer, and the Exceptions thereto taken do stand referred to Sir *Timothy Baldwyn*, Knt. one of the Masters of this Court, to examin and certifie whether the Defendants have fully answered the Plaintiffs Bill or not.

Intr.

Geo. Edwards,
Deput. Reg.

The Masters Warrant to attend him upon an Order of Reference of Bill, Answer and Exceptions.

Inter Joh. Athy Quer^s, Ric. Athy Def.

By virtue of an Order of the 11th day of *June* instant, I do appoint to consider of the matters to be referred on Thursday next at nine of the Clock in the Forenoon at my house in *Bell-yard*, at which time and place all parties concerned, or some for them, are to attend: At which time I shall peremptorily proceed,

Tim. Baldwyn.

Dated this 23d day of *June*, 1680.

An Order for the Defendant to have a Commission before hearing of the Cause.

At the Rolls,
Mr. of the Rolls.

*Luna 15 die Novemb. Anno Regni Car. 2. Regis 32.
Inter Joh. Glenwright Quer, Mariam Milford,
Vid. Def.*

Upon opening of the matter this present day unto this Court by Mr. Rawlinson being of the Defendants Council, it was alledged that there hath been but one Commission in this cause, of which the Plaintiff had the carriage; and the Defendant hath, since the Execution, of the said Commission, discovered several persons that are material Witnesses for the Defendant in this cause, and the Plaintiff knowing the same, doth press to have the cause heard this Term, before the Defendant hath examined all her Witnesses, although Publication is not yet made of the Commission by the Plaintiff executed, nor hath the same been in Court above four days: Wherefore, and for that it is the Defendants own delay, the Plaintiff having an Injunction upon payment only of principal Mony, it was prayed that the Defendant may be at liberty to renew the Commission, and have the carriage thereof, and Publication pass the first day of the next Term, and the cause heard, the same Term, and the Defendant will appear to hear Judgment *gratis*, without serving Process, and that the cause may be put off from being heard this Term, which this Court held reasonable, and doth order the same accordingly.

An Order that an Injunction obtained by the Plaintiff two years since, for stay of the Defendants Proceedings at Law, shall stand absolutely dissolved, and the Defendant prepare for a Trial at Law, unless the Plaintiff bring his Cause to hearing within the time prefixed by this Court.

*Mercurii 16 die Maii Anno Regni Car. 2. Regis 35.
Inter Christoph. Benson Quer. Annam Thackray
Def.*

Upon opening of the matter this present day unto this Court by Mr. *Williams*, being of the Defendants Council, in the presence of Mr. *Collins*, being of the Plaintiffs Council, the Defendants Council alledged, that the Plaintiff, having about four years since exhibited his Bill against the Defendant, and having examined his Witnesses above two years, doth not proceed in his cause, but having an Injunction, doth sleep thereon: It was therefore prayed that the Injunction stand absolutely dissolved: Whereupon, and upon hearing of the Plaintiffs Council, who offered to speed the cause to a hearing, it is ordered that the Injunction in this cause be continued till the hearing; but the Plaintiff is peremptorily to bring this cause to a hearing the next Term, for which purpose Publication is forthwith to pass, and in the mean time the Defendant is at liberty to deliver a Declaration at Law, and prepare for Trial, but not to go to Trial without the farther Order of this Court, but in default of the Plaintiffs procuring this cause to be heard the next Term, the said Injunction is absolutely dissolved.

An Order upon a Bill of Reviver, that notwithstanding the Death of the Defendant in the first Bill, the Suit may stand revived against his Executor.

Lord Chancellor.

Sabbati 12 die Febr. Anno Regni Car. 2. Regis 33. Inter Eliz. Plummer Quer', & Thomam Bostock Def.

Upon opening this matter this present day unto this Court by Mr. Collins, being of the Plaintiffs Council, it was alledged that the Plaintiff having heretofore exhibited her Bill into this Court against *William Bostock* Testator amongst others, and the said *William Bostock* being since dead, she since became thereupon abated, as to him, but the Plaintiff having since exhibited her Bill of Reviver into this Court against the said Defendant *Thomas Bostock*, Executor of the said *William Bostock*, who hath put in his Answer thereto, and therefore it was prayed the said original Suit may stand revived against the said *Thos. Bostock*, Executor of the said *Will. Bostock*, and be in the same plight and condition against the said *Thos. Bostock* as the same was at the death of the said *Will. Bostock*, which this Court held reasonable, and doth order the same accordingly.

Intr.

Geo. Edwards,
Deput. Reg.

An Order for the Plaintiff to have a Commission to examine his Witnesses de bene esse.

Lord Chancellor.

Lunæ 16 die Maii Anno Regni Car. 2. Regis 33. Inter W. Blennerhasset Armig. Quer', Annam Skelton & Georg. Skelton. Def.

Foras much as this Court was this present day informed by Mr. Ryder, being of the Plaintiffs Council, that

that the said Plaintiff exhibited his Bill unto this Court against the said Defendants, and the Defendants have appeared and answered the same, to which the Plaintiff hath replied, but cannot serve the Defendants to rejoyne till next Term, and the Plaintiff having several material Witnesses to be examined which are aged and infirm, and not likely to live to be examined in ordinary course, as by Affidavit appears, they living remote in the Countrey: It was prayed that the said Plaintiff may have a Commission for examination of Witnesses *de bene esse* returnable the last return in the next Term, which is ordered accordingly, of which the said Defendants are to have notice, to the end they may joyn therein if they please.

An Order upon Petition that if the Plaintiffs refuse to strike Commissioners Names with the Defendant, That then the Defendant shall have liberty to take out a Commission ex parte.

*Luna 22 die Octobr. Anno Regni Car. 2. Regis 35.
Inter Rich. Grahine Bar' & al' Quer', Doroth.
Atkinson Def.*

Upon the Defendants humble Petition this day preferred to the right honourable the Lord Keeper of the Great Seal of *England*, for the reasons therein contained, it is ordered that if the Plaintiffs, upon two days notice to their Clerk in Court, shall refuse to joyn and strike Commissioners Names with the Defendants Clerk in Court, that the Defendant be at liberty to take out a Commission *ex parte*, and that it be referred to Sir *Miles Cook*, Knight, one of the Masters of this Court to appoint the time and place for the executing of the said Commission, and when the same shall be returnable,

Intr.

*per Hen. Devenish,
Deput. Reg.*

An

An Order upon a Demurrer allowed.

The matter upon the Plaintiffs Bill and Defendants Demurrer put in thereunto being this day heard and debated before the right honourable the Lord high Chancellor of *England*, in the presence of the Council learned on both sides; forasmuch as the Plaintiffs Bill appeared to be defective in the points demurred unto, it is ordered that the said Demurrer be allowed.

An Order to amend a Bill.

It is ordered that the Plaintiff shall pay unto the Defendant 20 s. costs, and that thereupon the Plaintiff be at liberty to amend his Bill.

An Order for an Injunction upon an Attachment.

Forasmuch as this Court was this day informed by Mr. P. being of Council for the Plaintiff, that the Plaintiff hath exhibited his Bill for relief against the Defendant, and the Defendant being served with Process hath not appeared, but sits an Attachment in contempt; It was therefore prayed that an Injunction be awarded for stay of the Defendants proceedings at Law, which is ordered accordingly, until the Defendant shall directly answer the Plaintiffs Bill, clear his contempt, and other Order to the contrary.

An Order for confirming a Report.

Upon opening the matter this present day unto the right honourable the L. H. Chancellor of *England* by Mr. S. being of the Plaintiffs Council, in the presence of Mr. A. being of the Defendants Council,

Council, and upon producing of a Report made in the Cause by Mr. D. A. one of the Masters of this Court, the Plaintiffs Council now offering some reasons against the said Report, and desiring that the matter might be referred back to the said Master; but upon debate of the matter, and hearing what could be alledged on either side, his Lordship saw no cause at all to alter the said Report, but doth order that the said Report and all the matters and things therein contained be ratified and confirmed, by the order of this honourable Court, to be performed by all persons according to the true meaning thereof.

An Order for admitting a Guardian to an Infant.

Upon motion made this present day unto this Court by, &c. being of the Defendants Council, alledging that the said Infant was served with Process at the Plaintiffs Suit, and is but, &c. old, and that, &c. are appointed Guardians to the said Infant by his Fathers Will, as by the said Will produced appeared: It was therefore prayed that the said, &c. might by this Court be appointed Guardians to the said Infant to appear, answer and defend this Suit in this behalf, which this Court held reasonable, and do order the same accordingly.

An Order for a Plaintiff to dismiss his own Bill.

Upon the motion of Mr. L. being of the Plaintiffs Council, forasmuch as it was alledged that since the exhibiting the Plaintiffs Bill, the said Plaintiff doth find the same is mistaken in many material points therein, so that he cannot safely proceed thereon, without prejudice to this cause; it was prayed, in regard the Defendants have only answered the said Bill, that the Plaintiff might dismiss his own Bill;
if

it is thereupon ordered that the said Bill be dismissed accordingly, the Plaintiff paying to the Defendant four Nobles Costs in respect thereof.

An Order that leaving Process to rejoyne with the Defendants Clerk in Court may be good service, the Defendant obscuring himself.

Forasmuch as this Court was this present day informed by, &c. being of Council with the Plaintiffs, that the Plaintiffs have long since exhibited their Bill, against the Defendant, to which she hath answered and the Plaintiffs have replied thereunto, but the Defendant *W.* doth obscure her self, so as the Plaintiffs cannot find her or the place of her abode to serve her with Process, whereby they are delayed and cannot proceed in their Cause, as by their Affidavit thereof appeared, and therefore prayed that the leaving of a *Subpœna* to rejoyne with her Clerk in Court may be good service of the said *J. W.* which is ordered accordingly.

An Order for dismissing the Plaintiffs Bill for not proceeding, with Costs.

Forasmuch as this Court was this day informed by Mr. *P.* being of the Defendants Council, that the Plaintiff had exhibited his Bill against the Defendant in this Court the 18th of, &c. whereunto the Defendant put in his Answer the 25th of the same Month, since which time the Plaintiff hath not replied thereunto, or otherwise proceeded in the said Cause, as by Certificate appeared. It was thereupon prayed that the Plaintiffs Bill might stand dismissed, which this Court held reasonable, and do order that the said Bill do stand absolutely dismissed, &c.

An Order to stay Proceedings upon a Recognizance being twenty years old, and entred into only for appearance.

Whereas by an Order of the 19th of *January* last past, a Recognizance of 3000 *li.* entred into by *T.* late Earl of *S.* 14th of *May, &c.* to Sir *J. C.* Knight, Master of the Rolls, and Sir *R. M.* Knight, late Master of this Court, for the said Earls Appearance in Court, *&c. Trinitatis* then next following was ordered to be put in suit by the Executors of the Survivor of the said Cognizees; upon opening of the matter this present day by Mr. *C.* Mr. *P.* and Mr. *A.* being of the Defendants Council, it appearing that the said Recognizance was entred into above twenty years since, and was but for an Appearance in Court, since which time the same hath slept, and never any prosecution thereupon till now; it was therefore prayed that all Proceedings upon the said Recognizance might be stayed, which is ordered accordingly.

An Order to have a Subpoena returnable immediately.

Upon motion made this present day unto the right honourable the Lord, *&c.* by Mr. *S.* being of the Plaintiffs Council, and producing an Affidavit, that the Defendants do live in *London*, it was prayed that the said Plaintiff might take out Process against the said Defendants returnable immediately, which is ordered accordingly.

An

An Order to set down a Cause to be heard by consent.

*Sabbati nono die Febr. Anno Regni Regis Car. 2. 13.
Inter H. G. Bar^r, H. G. & R. B. Armig^r Quer^r,
C. B. Armig. & Eliz. Ux^r ejus J. E. Armig. per
E. E. Armig. Gardianum suum & Dominam A. A.
& J. A. Armig. per præfat. Dominam A. Matrem
& Gardianum suum Def.*

It is this present day ordered by and with the consent of all parties, Plaintiffs and Defendants, and their Clerks in this Court, be set down to be heard on Friday the tenth day of *May* next, and all the said parties to attend the said hearing *gratis*.

An Order upon a Petition for a Re-hearing in the same Cause.

Upon consideration this day had by the right honourable the Lord Chancellor of *England*, of the humble Petition of *A. A.* thereby setting forth that the Petitioner and the other Defendants, claiming upon several interests the Perceptions of the Rents and Profits of the Manor of *H.* in *S.* for the residue of a term of 21 years demised to the Plaintiffs in trust, the Plaintiffs thereupon exhibited their Bill to have the Judgment of the Court to whom the benefit of the Trust belonged, and the tenth of *May* last past, upon hearing of the Cause in Court before the honourable the Master of the Rolls: It was ordered that a Case be made and agreed on by Council on both sides, and the Court attended therewith, who after advice with the Judges would pronounce such Decree therein as should be just, which Case being accordingly made and agreed on, and the said Master of the Rolls attended therewith the 19th of *July* last, Council on all sides were there-

thereupon heard before the said Master of the Rolls at his House, assisted by Mr. Justice Brown, but at that time no Decree or Opinion was pronounced until the 28th of November last, at which time the Master of the Rolls was pleased to deliver his Opinion (contrary to the Opinion of the said Judge) that the benefit of the said Trust doth belong to the said Defendants B. and his Wife, and not to the Petitioners, and so decreed the same; whereby the Petitioner and four fatherless Children, whose only sustenance dependeth thereupon, shall be exposed to want: It was therefore prayed that his Lordship would be pleased to vouchsafe a Re-hearing of this Cause, whereupon it is ordered by his Lordship, that this Cause be set down to be re-heard before his Lordship upon Wednesday the 22d of January next, being the day before the next Term, at three of the Clock in the Afternoon, at which time his Lordship will desire some of the Lords the Judges to assist him, of which the other side to have notice, and in the mean time signing and inrolling of the Decree is stayed.

An Order by consent for the Vacating a Recognizance.

It is this present day ordered by consent of the Plaintiff, that the Recognizance, bearing date the 20th day of June, &c. entred into by the Defendant F. and others, in pursuance of an Order of the same Month made in this Cause unto the Master of the Rolls, and M.H. Esq; for the said Defendants abiding such Order as this Court should make upon the hearing this Cause, be vacated and discharged.

An Order to have a second Answer referred:

Forasmuch as this Court was this present day informed by Mr. V. being of the Plaintiffs Counsell,

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that

that the Defendants having put in a sufficient Answer to the Plaintiffs Bill, the Plaintiff took Exceptions thereunto, since which the Defendants have put in a second Answer, which is also insufficient. It is thereby ordered that Sir N. H. one of the Masters of this Court, do consider of the Plaintiffs Bill, and the said second Answer, and the Plaintiffs Exceptions, and certifie whether the said second Answer be sufficient or not, and if not, then a *Subpœna* is awarded against the Defendant to make a better Answer according to the Masters Report to be made.

An Order to appoint a Guardian for an Infant to defend his Suit.

Upon motion made unto this Court this present day by, &c. being of the Defendants the Infants Council, alledging that the said Infant was served with Process to appear and answer the Plaintiffs Suit, being but eight years old, and living above an hundred miles from *London*, it was prayed that a Commission might issue to Commissioners to appoint a Guardian for the said Infant, and also to take his Answer to the Plaintiffs Bill, and defend this Suit in his behalf, which this Court held reasonable, and do order the same accordingly.

An Order to dismiss a Bill obtained by the Plaintiff.

Upon opening the matter this present day unto this honourable Court by Mr. A. being of the Plaintiffs Council, it was alledged that the Plaintiff having exhibited his Bill against the Defendants, he is advised that he cannot proceed thereon without prejudice to his Cause: Wherefore, and in respect that none of the Defendants have answered the said Bill, it was prayed that the same might stand dismissed, which this Court held reasonable, and do order that the said Bill do stand dismissed.

An Order upon the allowance of a Demurrer.

The matter upon the Demurrer put in by the Defendants to the Plaintiffs Bill, coming this present day to be heard before the right honourable the Lord Chancellor of *England*, in the presence of Council learned on both sides, the scope of the Plaintiffs Bill being that he, &c. (reciting the substance of the Bill) Whereunto the said Defendants having for Demurrer set forth that the Plaintiff, &c. (here recite the Demurrer) Upon full debate and hearing what was alledged on either side, his Lordship held the said Demurrer to be good and sufficient, and doth order that the same do stand and be allowed.

An Order for Bailiffs to attend the Court with the Defendant, their Prisoner, whom they had arrested as he was going from the Registers Office, upon Acetiam Bille, at the Plaintiffs Suit, for the matter in question.

24 Oct. 28 Car. 2. G. per Gard. con' C.

Forasmuch as this Court was this day informed by Mr. B. being of Council with the Defendant C. that by an Order by consent, Publication being to pass in this Cause the beginning of this Term, and the Cause appointed to be heard this Term; the Defendant C. in order to prepare for the same, came out of the Country before the Term, and as he was going from the Registers Office, where he had been to take out a Copy of an Order made upon a motion in this Cause at one of the Seals before the Term, he was arrested upon an *acetiam bille*, at the Plaintiffs Suit for the same matter which is in question in this Suit, which is in contempt of this Court, and in breach of the Privilege allowed to Suiters in this Court, and is detained a Prisoner in custody of the Sheriffs Officers: It is thereupon ordered that

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the Bailiffs who arrested the said C. do attend in Court to morrow morning, and bring their said Prisoner with them, whereupon such farther Order shall be made as shall be meet.

An Order for a Habeas Corpus cum causis.

Forasmuch as this Court was this day informed by Mr. &c. that the Defendants being committed to the Prison of the Fleet for disobeying the Orders of Court, and since their Commitment have been permitted, without the leave of this Court, to go abroad where they please, and the Defendant M. hath caused himself to be removed to the Prison of the Kings Bench to avoid the Orders of this Court, and that he may have liberty this Vacation to go at large: It was therefore prayed that a *Habeas Corpus cum causis* may be awarded to the Marshal of the Kings Bench Prison to bring the Body of the said Defendant H. M. into this Court, which is ordered accordingly, whereupon such farther Order shall be taken as shall be meet.

An Order for an Injunction to quiet possession.

Vicesimo sexto Januarii *vicesimo octavo* Car. 2.
D. cont' C.

Upon opening the matter this present day unto this Court by Mr. W. being of the Plaintiffs Council, It was alledged that the said E. D. deceased, to whom the Plaintiff T. D. is Administrator, obtained a Decree of this Court the fifth of *March, vicesimo sexto* Car. 2. *Regis*, that the Defendants should forthwith deliver the Possession of all the Woods and Woodlands to the Plaintiff, or such as he should appoint, the giving Security allowed of by Sir M. B. Knight, &c. for payment of one hundred fifty five pounds

pounds *per annum* to the Defendant C. and his Wife in such manner as by the said Decree is directed. And the said Defendants were also at Michaelmas then next quietly to yield and deliver up to the Plaintiff, or such as she should appoint, the possession of all the Manor, Farm and Land in the said Decree mentioned, and that Security was given according to the said Decree, and the Cause revived by several Orders of the two and twentieth of N. and fourth of D. last, and the Defendant S. C. having been served with a Writ of Execution of the said Decree, Report and Orders, sits in contempt in breach thereof, and not only withholdeth from the Plaintiff parcel of the Premises decreed, but also prosecuteth divers Actions at Law in the name of the other Defendant M. D. the Infant to whom he is Guardian, for the supposed Trespasses on the Lands decreed. It was therefore prayed that an Injunction may be awarded, as well to put and quiet the Plaintiff and his Assigns in the possession of the Premises according to the said Decree, as to stay all proceedings at Law touching the Premises, which is ordered accordingly, unless the Defendants their Clerk in Court, having notice hereof shall on Wednesday next shew unto this Court good cause to the contrary, and in the mean time the Defendants proceedings at Law are stayed.

An Order for a Messenger for not answering.

A. Quer' H. & al' Def. decimo quarto Aprilis, 1681.

Forasmuch as this Court was this day informed by Mr. R. being of the Plaintiffs Council, that the said Defendant H. being in Contempt for not answering the Plaintiffs Bill, had been arrested upon an Attachment by the Sheriffs of London, who had returned a *Cepi Corpus*, but refused to bring the said

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Defen:

Defendant into this Court : It was therefore prayed that the Messenger attending this Court may take the said Defendant *H.* into Custody, and bring him into this Court to shew cause why he does not answer the Plaintiffs Bill, which is ordered accordingly.

Reports in Chancery.

A Report of Costs in defence of a supposed Contempt.

FOrasmuch as it appears to me by Certificates out of the several Offices, that the Defendant *R. W.* hath been examined upon contempt prosecuted against him by the Plaintiff, and no reference of his Examinations procured, nor Commission taken out by the other side, nor Witnesses examined in Court to prove the said Contempt within the time limited by the general Rule, whereby he is discharged of the said Contempt; I have therefore considered of a Bill of Costs by him expended in making his Defence, amounting to 22 *l.* 11 *s.* 8 *d.* and do tax the same at 15 *l.* which the Plaintiff is to pay to the Defendant accordingly.

A Report that the first Answer is insufficient.

By virtue of an Order of the 12th day of, &c. whereby I am to consider of the Complainants Bill and Exceptions, and the Defendants Answer, I have in the presence of the Plaintiffs Council (none attending for the Defendant, though due notice was given to her Clerk in Court, as appeared to be by Affidavit) considered thereof, and do find that the said Exceptions are justly taken, and that the Defendant

dant ought to amend, and make her Answer more full and perfect in the points excepted unto, which I humbly certifie, and leave to the grave judgment of this honourable Court.

A Report that a second Answer is sufficient.

According to the directions of the 30th of May last, I have in the presence of both sides, taken consideration of the Plaintiffs Bill, the Defendants second Answer, and the Plaintiffs Exceptions thereto, and do conceive the Defendants second Answer to be sufficient, as to the points excepted unto, and that she ought not to amend her said Answer.

Exceptions to Reports in Chancery.

Exceptions to a Decree upon a Commission for Charitable uses.

EXceptions taken by J. G. Esq; to the Judgment, Order and Decree of W. C. &c. made at, &c. the 28th day of, &c. by virtue of a Commission to them and others directed, by force of the Statute made at the Parliament holden at *Westminster* the 26th day of *October*, in the 43d year of the late Queen *Elizabeth*, intituled, *An Act to redress the mis-employment of Lands, Goods and Stocks of Mony given to charitable uses.*

The said Exceptant saith, that he is a person interested in the Lands, Tenements and Hereditaments in the Decree mentioned, and is grieved by the same, and therefore for relief doth complain unto the Lord, &c. according to the said Statute, and saith that the said Judgment, Order and De-

cree is and are void in Law, and ought not to be binding to this Exceptant, but to be adnulled, reversed and avoided, for the causes and reasons hereafter mentioned.

1. For that by the Will, &c.

For all which reasons and causes, and other Errors manifestly appearing, the same ought to be reversed, adnulled and set aside, as against the Exceptant and his Heirs: And this Exceptant prayeth, that the same may be reversed and adnulled accordingly.

Warrants in Chancery.

A Warrant for speeding a Commission to examine Witnesses.

THese are to give notice that we whose names are here under written, being Commissioners authorized and assigned by his Majesty's Commission out of the high Court of Chancery, to examine Witnesses between J. C. of S. Plaintiff, and E. W. Defendant, do appoint Monday the, &c. day of, &c. by Eight of the Clock in the Forenoon of the same day, at, &c. for the speeding and executing the said Commission according to the trust thereby reposed in us. Dated the, &c.

A Warrant by Referrees to determine.

By virtue of a Commission from the Lord Chancellor out of the high Court of Chancery to us and others directed, for composing and determining such differences as are now depending betwen, &c. These are to give notice that we purpose to meet and treat of the said Difference, to the intent to reconcile them if we can at, &c. on, &c. Whereof we thought
fit

fit to give you notice that you may prepare your defence as you shall see cause. Dated, &c.

A Warrant for a Pardon.

Our will and pleasure is that you forthwith prepare a Bill for Our Royal Signature to pass Our Great Seal, containing a Grant of Our gracious Pardon unto *J. Earl of A.* of all such Offences, and with such Restitution of Lands and Goods, and such Exceptions and Clauses in all things as are expressed in the form of a Pardon for that purpose, and remaining with you under Our Signet and Sign Manual, and for so doing this shall be your Warrant. Given at Our Court at *Whitehal* the 15th day of *October*, 1660. in the 12th year of our Reign.

Interrogatories in Chancery.

To a Defendant to prove a Contempt upon an Order.

1. *Imprimis*, **V**ere you on the tenth day of, &c. or at what other time, and when served with an Order of this honourable Court, made in this Cause the, &c. for the sum of, &c. to be paid by you to the Plaintiff, by whom were you served with the said Order, by one R.S. or by what other particular person? Declare the truth.

2. *Item*, Did the Party that so served you shew the said Order under the hand of a Register of this honourable Court, did he deliver you a Copy of the Order, or in what other manner did he so serve you, did the said person that so served you demand the said 300 *li.* of you? Declare the truth.

3. *Item*,

3. *Item*, Did you then pay the said 300 l. to the said Party that so served you with the said Order, or did you not utterly then refuse to pay the same, and whether have you at any time since, and when paid the said 300 l. to the Plaintiff, or to any other on his behalf? Declare the truth.

To a Witness to prove a Contempt upon an Order.

1. *Imprimis*, Did you in the Month of, &c. serve the said R. H. with an Order made in this Cause, bearing date, &c. upon what day of the same Month, where, and in what manner did you serve the same?

2. *Item*, Did the said R. H. see and take notice thereof, did he acknowledge that he was served with the same, and what words used he upon the said service, and to whom?

3. *Item*, Was not the said R. H. by the said Order enjoined to pay unto the Plaintiff the Sum of 60 l. did you then demand the said Sum of 60 l. of him the said R. H. for the use of the Plaintiff, did the said R. H. pay the same accordingly, and to whom did he pay the same? Declare the truth.

To Witnesses to prove a Contempt upon an Injunction.

1. *Imprimis*, Did you in the Month of A. last past serve the said C. D. &c. or any, and which of them, with an Injunction made in the same Cause, and upon what day of the same Month, and where, and in whose presence did you serve the said C. D. &c. any, and which of them with the same?

2. *Item*, Did you shew the said Injunction under Seal of this honourable Court unto them, or any, and which of them?

3. *Item*. Did you deliver unto any, and which of them a Copy or Copies thereof?

4. *Item*,

4. *Item*, Did the said C. D. &c. see and take notice thereof, did they acknowledge that they were served with the same, and what words used they upon the said service?

To prove Deeds and Payment of Money.

1. *Imprimis*, Do you know the Parties, Plaintiffs and Defendants, did you know S. S. late Father of the said R. S?

2. *Item*, Was the Deed or Writing, Deeds or Writings now shewed you sealed and delivered, and by whom, and were you a Witness to the sealing and delivery thereof, and is the Name subscribed and indorsed as a Witness thereunto of your own hand writing, and whether have you been acquainted with the hand writing of the said Party or Parties, or Witnesses to the said Deed or Deeds, Writing or Writings, or any, and which of them, to be their own hand writing?

3. *Item*, Do you know any Sum or Sums of Money paid by M. M. deceased, or any other of the Servants or Agents of the said T. S. the Plaintiffs Father, or by any other for the said Earl by his, their or any of their appointment to the said S. S. the Defendants Father, or to any other person or persons to his use, what Sums did he, they, or any of them pay, when was the same paid, and to whom?

4. *Item*, Have you been acquainted with the Hand writing of the said S. S. the Defendants Father? Do you believe the Receipt or Acquittance, Receipts or Acquittances now shewed unto you to be the proper Hand-writing of the said S. S. or whose writing do you believe the same to be, were you a Witness to them or any, and which of them, and is your Name subscribed or indorsed as a Witness, of your own Hand-writing? Have you been acquainted with the Hand-writing of any of the Witnesses to the

the said Receipt or Acquittance, Receipts or Acquittances, or any, and which of them? Do you verily believe that the Names of the said S. S. or of the Witness or Witnesses to the Receipt or Receipts, Acquittance or Acquittances, or any, and which of them, to be their own proper Hand-writing? Declare the truth.

To prove a Will.

1. *Imprimis*, Did *A. B.* late of, &c. deceased at any time in his life time, and where, and when, give you directions from him at any time, where, and when, to draw the said *A. B.* his Will?

2. *Item*, Did you draw or ingross the Writing purporting the last Will of the said *A. B.* now shewed unto you, in the very words as the same is expressed, and of whose Hand-writing is the said Will, and the very words therein contained?

3. *Item*, Did you see the said *A. B.* in the day, &c. or at any other time, and when sign and seal the said Will, and did he publish and declare the same to be his Will, and is the Writing now shewed unto you contained in seven Sheets of Paper, to each Sheet whereof his Name is subscribed and Seal affixed, the very same which he did then sign and seal as his Will, and who were present Witnesses thereunto, and was the said *A. B.* at the time of the signing and publishing of the same of a good understanding and of a disposing memory?

4. *Item*, Whether after the said *A. B.* had signed and sealed the said Will as aforesaid, was the same in the presence of all the Witnesses thereunto, sealed up by the said *A. B.* or by any other, and by whom was the same sealed up, by the Seal of the said *A. B.* or by the Seal of any other, and by whose Seal, and whom did the said *A. B.* desire to keep the same, and was the said *A. B.* then of perfect Under-

Understanding, did the same Will continue so sealed up until the day of, &c. and what other time, and was the same then opened, and where, and in whose presence, is the Writing now shewed unto you contained in seven Sheets of Paper, the very Will which was so sealed up and opened, as aforesaid, without any addition, interlineation or obliteration, after it was published by the said A. B. for his last Will?

5. *Item*, Whether did the said A. B. sign, seal and publish his last Will in writing, do you know the Contents of the said Will? if yea, express the Contents thereof, word for word upon this your Examination.

To prove a Custom for letting of Copyhold Lands for three Lives, and to the Heir or Heirs of the Survivor.

On the part and behalf of K. L. against W. G. &c.

1. *Imprimis*, Do you know the Plaintiffs and Defendants in this Cause, or any, and which of them, and did you know T. M. late of C. &c. T. M. and E. M. his Sons, W. B. late Father of the said, &c. all deceased, and any, and which of them?

2. *Item*, Do you know the said Manor or Lordship of C. in the said County of, &c. and do you know that any, and what Lands and Tenements, parcel of, &c. and lying within the said Manor or Lordship have been demised or demisable by Copy of Court Roll, according to the Custom of the said Manor or Lordship, that is to say, for three Lives to the Heir or Heirs of the Survivor or longest Liver of such three Lives, as by Surrender or Copy of Court Roll thereof, the same should be limited or appointed?

To prove Seizin.

3. *Item*, Do you know that the said *T. M.* and *A.* his then Wife, and *T. M.* the younger, and *E. M.* and any, and which of them were in their life time, and when seized according to the said Custom, of a certain Tenement, and Lands thereunto belonging, parcel of the said Manor or Lordship lying, &c. And did the said *T. M.* the younger survive and overlive the said *T. M.* the elder, and *A.* his Wife, and the said *E. M.* and when did the said *A.* and *E. M.* depart this life, and do you know that the said Tenement and Lands, whereof the said *T. M.* was so seised, are, or have been part of the Customary or Copyhold Lands of the same Manor or Lordship? Declare the reason of such your knowledge.

To prove a Surrender.

4. *Item*, Do you know that about the Month of, &c. in the year of our Lord, &c. or at any other time after the death of the said *T. M.* and when, the said *T. M.* the younger, being so seised thereof, did out of Court surrender according to the Custom of the said Manor, the said Customary Lands and Tenements into the hands of the then Lord or Lords of the said Manor, by the hands of *J. M.* and *T. M.* two of the Customary Tenants of the said Manor or Lordship to the use of him the said *J. M.* the younger, and *A.* his then Wife, and the Survivor of them, the Remainder thereof to the said *W. B.* Father of the Plaintiff *K.* and to the Heir or Heirs of the said *W. B.*

To prove a Presentment.

5. *Item*, Do you know that the said *J. M.* or *T. M.* or either of them, or any other Customary Tenants of the said Manor, and who by Name did at any Court or Courts holden for the said Manor or Lordship of C. and when, present any Surrender or Surrenders made by the said *T. M.* of the said Customary Tenement, and Lands whereby the same were limited after the decease of the said *T. M.* and *A.* his Wife, to the said *W.* and his or their Heirs?

To prove an Heir.

Do you know when the said *T. M.* the younger, and *A.* his Wife, and *K.* did depart this life, and is the Complainant *K.* the sole Daughter and Heir of the said *W. B.* and what Age was she at the decease of the said *W. B.* her Father?

To prove the yearly Value and Possession.

What is the true yearly value of the said Customary Tenement and Lands, which were so held by the said *T. M.* and for how long time hath the Defendant *K.* or any for him, held and enjoyed the same, and what yearly Rent was reserved to the Lord of the said Manor, to be paid by the said *T. M.* for the same Lands?

To be administered to Witnesses to be produced on the part of Sir T. H. Defendant, against J. B. Bar^r, Plaintiff.

1. *Imprimis*, Do you know the Plaintiff and Defendants in this Cause, any, and which of them? And did you know *J. B.* late of, &c. Esq; deceased,
and

and Dame E. A. late Wife of the Defendant Sir T. H. Sister of the said J. B. also deceased, or either, and which of them, in their or either of their life time?

2. *Item*, Do you know the Manors or Lordships of W. W. and B. in the said County of S. the Manors and Lordships of great and little A. in the Counties of G. and W. or one of them, the Town or Village of L. in the County of L. or any, and which of the same? And was Sir J. B. Knight, deceased, Father of the said J. B. at any time, and when, in his Life time owner or reputed owner of the same, or any, and which of the same? And do you know what person or persons were owner or owners of the same Manors and Premisses, or any, and which of the same? And when before such time as the said Sir J. B. was owner thereof, did the said Sir J. B. or the said J. B. and which, or either of them, purchase the same, or any, and which of the same? Did the said Sir J. B. marry with any, and what Woman, who was Inheretrix of the same Manors and Premisses, or any, and what part or parts of the same? Declare your knowledge thereof, and the reason of such your knowledge.

3. *Item*, Was the Deed or Writing, Deeds or Writings now shewed unto you, sealed and delivered, and by whom? Were you a Witness to the sealing and delivery thereof, and is your Name subscribed and indorsed as a Witness thereunto, and of your own Hand-writing, and have you been acquainted with the Hand-writing of the Party or Parties, or Witnesses to the said Deed or Writing, Deeds or Writings, or any, and which of them? And do you verily believe the Names of the said Party or Parties, or Witnesses to the same Deed or Deeds, Writing or Writings, or any, and of which of them to be their own proper Hand-writing?

4. *Item*,

4. *Item*, Do you know that E. B. Sister of the said J. B. deceased, was the Wife of the Defendant Sir J. H. and do you know the time of the Intermarriage between them the said E. and the Defendant Sir J. H. and was the said E. only Sister of the said J. B. Esq;?

5. *Item*, Do you know or have credibly heard that the said J. B. did or was at any time in his life time, and when, become ingaged with Sir J. B. Knight, the Complainants Father, as his Surety, for any and what Sum or Sums of Mony, or other, and what things, and to whom? And have not you heard the said J. B. declare that he had suffered much by reason of the said Ingagement, from the Complainant, and did not the said J. B. seem to be thereupon much displeased, that he protested and declared that he would have nothing more to do with the Complainant, or words to that effect? Declare what you have heard the said J. B. say or speak therein.

6. *Item*, Did the said J. B. Esq; at any time or times, and when, in his life time, use any, and what words of dislike touching the Complainant, or of the Complainants not being to have the said J. B.'s Estate after his decease? And did the said J. B. at any time or times in his life time, and when, use any, and what, words or speeches touching the Complainant, or Sir J. B. the Complainant's Father, and either, and which of them, whereby it did appear he was displeased with them, and either, and which of them, and in whose presence did he use words or speeches to that effect?

7. *Item*, Did the said J. B. at any time or times, and when during the time of the Sicknefs whereof he died, or at any other time or times, or when, in his life time, declare or use any and what words or speeches, whereby it did appear, that his mind was that his said Estate should, or might descend to

the Defendant Sir *J. H.* his Nephew, or to that effect? Have you heard the said *J. B.* use any, and what expressions of love and affection towards the Defendant Sir *J. H.* what words of love and affection did he use towards him, where did he use such words, speeches or affections, when, and in whose presence, and upon what occasion did he use them? Declare the truth.

8. *Item*, Did the Complainant, or any other person or persons for him, as you believe, and who by Name, at any time or times, and when, where, and in whose presence, promise and propose unto you, or to any other person or persons any, and what reward, offer and gratuity, to the intent that you, or such other person or persons, should for such reward or gratuity set on foot some pretended Deed or Deeds, thereby to entitle the Complainant, or otherwise to prejudice the Defendant Sir *J. H.* his Title to the Estate of the said *J. B.* deceased, or whereby the same might seem to be intailed or otherwise settled upon the Complainant to his use?

9. *Item*, Do you know *M. B.* of, &c. and did the same *M. B.* at any time or times, and when in the life time of the said *J. B.* Esq; by Letter or otherwise, request you or any other person or persons, and who by Name, to use means to persuade or prevail upon the said *J. B.* to settle his Estate? Did the said *M. B.* then or at any other time or times, say and declare unto you that the said *J. B.* had made any Will or Settlement of his Estate, and when, where and in whose presence did she so say or declare, and upon what occasion?

10. *Item*, Did you know one *G. W.* who was Servant to the said *J. B.* in his life time, and when, and for how long time did he serve the said *J. B.* and did you at any time or times, and when, since the decease of the said *J. B.* hear the said *G. W.* say or declare that the said *J. B.* had not made any last Will

Will or Testament, or other Settlement touching his Estate, or words to such effect, when, and in whose presence did he so say and declare, and where, and upon what occasion?

11. *Item*, Did the said *G. W.* at any time or times, and when, say or declare to you, or any, and what other person or persons, that he did know of any Deed or Settlement made by the said *J. B.* since the time of the said *J. B.*'s travel into foreign parts; and where, and upon what occasion did the said *G. W.* so say or declare, and when? Did the said *J. B.* travel beyond the Seas as you know or have heard? Declare the truth.

12. *Item*, Did the Complainant at any time or times, and when, by his Letter or Word of Mouth, send unto you or any other, and what other person to your knowledge, or enquire of you, or such other, to be informed whether the said *J. B.* deceased, had given or settled any Estate to or upon him the said Complainant, what were the Contents or Effect of such Letter, Message or Inquiry, as you know or have heard? Declare the truth of your knowledge herein.

For the Examining one that hath received Rents.

1. *Imprimis*, Have you been acquainted with the Hand-writing of Sir *T. F.* Knight, deceased, the Defendant's late Father? Do you believe the Writing or Rental now shewed you, to be the proper Hand-writing of the said Sir *T. F.* or whose Hand-writing do you believe the same to be?

2. *Item*, Are the Writings now shewed unto you, or either, and which of them, true Rentals of the Estate; whereof *T. Lord Viscount S.* the Plaintiff's Father, deceased, was seised at the time of his decease, or any, and what part or parts thereof, were you at any time or times, and when since the decease

the Defendant Sir *J. H.* his Nephew, or to that effect? Have you heard the said *J. B.* use any, and what expressions of love and affection towards the Defendant Sir *J. H.* what words of love and affection did he use towards him, where did he use such words, speeches or affections, when, and in whose presence, and upon what occasion did he use them? Declare the truth.

8. *Item*, Did the Complainant, or any other person or persons for him, as you believe, and who by Name, at any time or times, and when, where, and in whose presence, promise and propose unto you, or to any other person or persons any, and what reward, offer and gratuity, to the intent that you, or such other person or persons, should for such reward or gratuity set on foot some pretended Deed or Deeds, thereby to entitle the Complainant, or otherwise to prejudice the Defendant Sir *J. H.* his Title to the Estate of the said *J. B.* deceased, or whereby the same might seem to be intailed or otherwise settled upon the Complainant to his use?

9. *Item*, Do you know *M. B.* of, &c. and did the same *M. B.* at any time or times, and when in the life time of the said *J. B.* Esq; by Letter or otherwise, request you or any other person or persons, and who by Name, to use means to persuade or prevail upon the said *J. B.* to settle his Estate? Did the said *M. B.* then or at any other time or times, say and declare unto you that the said *J. B.* had made any Will or Settlement of his Estate, and when, where and in whose presence did she so say or declare, and upon what occasion?

10. *Item*, Did you know one *G. W.* who was Servant to the said *J. B.* in his life time, and when, and for how long time did he serve the said *J. B.* and did you at any time or times, and when, since the decease of the said *J. B.* hear the said *G. W.* say or declare that the said *J. B.* had not made any last Will

Will or Testament, or other Settlement touching his Estate, or words to such effect, when, and in whose presence did he so say and declare, and where, and upon what occasion?

11. *Item*, Did the said *G. W.* at any time or times, and when, say or declare to you, or any, and what other person or persons, that he did know of any Deed or Settlement made by the said *J. B.* since the time of the said *J. B.*'s travel into foreign parts, and where, and upon what occasion did the said *G. W.* so say or declare, and when? Did the said *J. B.* travel beyond the Seas as you know or have heard? Declare the truth.

12. *Item*, Did the Complainant at any time or times, and when, by his Letter or Word of Mouth, send unto you or any other, and what other person to your knowledge, or enquire of you, or such other, to be informed whether the said *J. B.* deceased, had given or settled any Estate to or upon him the said Complainant, what were the Contents or Effect of such Letter, Message or Inquiry, as you know or have heard? Declare the truth of your knowledge herein.

For the Examining one that hath received Rents.

1. *Imprimis*, Have you been acquainted with the Hand-writing of Sir *T. F.* Knight, deceased, the Defendant's late Father? Do you believe the Writing or Rental now shewed you, to be the proper Hand-writing of the said Sir *T. F.* or whose Hand-writing do you believe the same to be?

2. *Item*, Are the Writings now shewed unto you, or either, and which of them, true Rentals of the Estate, whereof *T. Lord Viscount S.* the Plaintiffs Father, deceased, was seised at the time of his decease, or any, and what part or parts thereof, were you at any time or times, and when since the decease

of the said Lord Viscount S. and when, and for how long time, and by whom were you so employed by the said Sir T. F. the Defendants Father in his life time in or about the gathering or receiving the Rents of the Plaintiffs Estate, or any part, or what part thereof, or do you know of any other, and what other person or persons, who was or were so employed by the said Sir T. F.

3. *Item*, Do you know or have heard, that the said Sir T. F. Knight, the Defendants Father, deceased, did receive for the Plaintiff, in his Right, the Rents of any, and what Lands, Tenements and Hereditaments lying in the Parishes of E. and P. in the County of K. and when, and for how long time did the said Sir T. F. receive the same, and were you at any time, when, and for how long time employed by the said Sir T. F. in receiving those Rents, and do you know of any other person or persons, that was or were at any time, and when, employed by the said Sir T. F. in and about the receiving of the Rents of any Lands or Tenements whatsoever, lying within the said Parishes or either of them?

4. *Item*, Do you know the yearly value of the Quit-rents of the Plaintiffs Manors of O. B. O. P. S. S. H. and W. in the County of K. or any, or which of them? Have you seen a Rental or Rentals thereof? Declare the reasons of such your knowledge.

5. *Item*, Do you hold of the Plaintiff, as his Tenant, any, and what Lands or Tenements lying within the Parishes of E. and P. aforesaid, or either of them in the County of K. and for how long time have you so held the same, and what are the yearly Rent or Rents thereof?

6. *Item*, Did Sir T. F. Knight, deceased, or any for him, or by his direction or appointment, at any time or times in his life time, and for how long time, receive of you, or any other, and what other of the Plaintiffs Tenements or any of his Lands lying
in

in the said Parishes, any Rent or Rents thereof, and what, or how much Rent or Rents did you, or such other person or persons so pay the same? Declare the truth.

To be administred to Witnesses produced to prove a Contempt for not obeying an Injunction.

Interrogatories to be administred to Witnesses to be produced on the part and behalf of *A. B.* to prove a Contempt committed by *C. D. &c.* in a Cause depending in this honourable Court.

1. *Imprimis*, Did you in the Month of *A.* last past serve the said *C. D. &c.* or any, and which of them, with an Injunction made in the same Cause, and what day of the same Month, and where, and in whose presence did you serve the said *C. D. &c.* any, and which of them, with the same?

2. *Item*, Did you see the said Injunction under Seal of this honourable Court, to them, any, and which of them?

3. *Item*, Did you deliver to any, and which of them, a Copy or Copies thereof?

4. *Item*, Did the said *C. D. &c.* see and take notice thereof? Did they acknowledge that they were so served with the same, and what words used they upon the said Service, and to whom?

Interrogatories for the Defendants Examination to prove service of Process for Costs.

1. *Imprimis*, Were you, and which of you, the eighth day of *August* last, or at any other time, and when, served with a *Subpœna* under the Seal of this honourable Court for twenty Marks Costs to be paid by you to the now Earl of *S.* by whom were you so served with the said *Subpœna*? Whether

ther were you served by one *J. P.* the elder, or by what other particular person? Declare the truth.

2. *Item*, Did the party that so served you with the said *Subpœna* shew you the Body of the said Writ under Seal of this Court, and deliver you the Label thereof, or did he deliver you the Body of the said Writ under Seal, or in what other manner did he serve you, and did the said person that so served you, demand the said twenty Marks Costs of you, or either of you, and of whom? Declare, &c.

For the Plaintiffs Examination upon Service of a Writ of Execution upon a Decree:

1. *Imprimis*, Were you on the 11th or 29th day of *J.* last past, or at any other time, and when, served with a Writ of Execution of a decretal Order made in this Court, between the said parties by *E. H.* or *M. L.* or by any other, and by whom did the said *E. H. M. L.* or the said other person then shew you the said Writ of Execution under the Seal of this honourable Court, and deliver you a true Copy thereof, were you not enjoined by the said Writ to forbear to put in your Cattel into a certain parcel of Ground called the *P.* belonging to the said Manor yearly between the said second day of *F.* and the twentieth day of *J.* following?

2. *Item*, Did the party that so served you at the time of such his Service of the said Writ of Execution, and by virtue thereof, require your obedience to the same?

3. *Item*, Did you accordingly from the 29th day of *June* last to the 20th day of *July* then next following, forbear to put your Cattel into the said parcel of Ground called the *Pond*, or did you, or others by your direction, one or more times between the said 29th of *June* and the 20th of *July* following,

following, or when, put and drive your Cattel into the said parcel of Ground called the *Pond*, belonging to the said Manor? Declare the truth.

To examine upon a Contempt for resisting the Sheriff, in his executing a Commission of Assistance.

1. *Imprimis*, Do you know that a Commission of Assistance was issued out of this Court to the now Sheriff of *Essex*, being dated the 9th day of *May* last, whereby the said Sheriff was to put the now Earl of *S.* and his Assigns in the possession of a certain parcel of Ground called the *Pond*.

2. *Item*, Did you see, or do you know that *J. B.* Bailiff of the Hundred where the said Manor lies, did by virtue thereof on the 31st of *May* last enter upon the said parcel of Ground for the putting and quieting the said Earl, or any other person to his use, in the possession thereof, was the said Bailiff in a riotous and tumultuous manner resisted and assaulted in the doing thereof by you, or others, Tenants and Inhabitants of the said Manor, and by whom was such Resistance and Assault made, was the said Bailiff, and one *J. C.* his Servant then beaten down to the Ground, and wounded by the said Tenants or some of them, and by whom were they so beaten and wounded?

3. *Item*, Did you see the said Bailiff and *W. B.* his Servant, on the third of *June* last (when divers of the said Tenants having again put in their Cattel into the said Ground, notwithstanding the said Commission of Assistance) enter again upon the said Ground for the putting or quieting the said Earl, or some other person to his use, in the possession of the same? Was not the same Bailiff then also in riotous and tumultuous manner resisted and assaulted in his doing thereof, by them and divers others of the Tenants and Inhabitants, and by whom

was such Resistance and Assault made, was the said *W. B.* wounded by some or one of the said Tenants, in the Head with a Stone, whereby he was in great danger of death, and by whom was he so wounded? Declare the truth.

To prove Deeds.

Item, Was the Deed or Writing, Deeds or Writings now shewed unto you, sealed and delivered, and by whom, and were you a Witness to the sealing and delivery thereof, and is your name subscribed and indorsed as a Witness thereunto, of your own Hand-writing, and whether have you been acquainted with the Hand-writing of the said Party or Parties, or Witnesses to the said Deed or Deeds, or any, and which of them, and whether do you verily believe the Names of the said Party or Parties or Witnesses to the said Deed or Deeds, Writing or Writings, or any, and which of them, to be their own proper Hand-writing.

For Sums paid.

Do you know of any Sum or Sums of Money paid by *M. M.* deceased, or any other of the Servants or Agents of the said *T. S.* the Plaintiffs Father, or by any other of the said Earl, or by his, their or any of their appointment, to the said *S. S.* the Defendants Father, or to any other person or persons, to his use, what Sums did he or they, or any of them pay, when was the same paid and to whom?

To prove Acquittances.

Have you been acquainted with the Hand-writing of the said *S. S.* the Defendants Father, do you believe the Receipt or Receipts, Acquittance or Acquittances

tances now shewed unto you to be the proper Hand-writing of the said S. S. or whose Hand-writing do you belive the same to be? Were you a Witness to them, any, and which of them, and is your Name subscribed and indorsed as a Witness of your Hand-writing? Have you been acquainted with the Hand-writing of any of the Witnesses to the said Receit or Acquittance, Receits and Acquittances, or any, and which of them? Do you verily believe the Names of the said S. S. or of the Witness or Witnesses to the said Receit or Acquittance, Receits or Acquittances, or any, and which of them to be their own proper Hand-writing?

Against the Credit of Witnesses.

Interrogatories to be administred to Witnesses to be examined on the part and behalf of, &c. Defendants, to the Credit of J. R. and P. R. Witnesses, examined on the part and behalf of the Complainant.

1. *Imprimis*, Do you know the Plaintiffs and Defendants and the said J. R. and P. R. or any, and which of them, and how long have you known them, or any, and which of them, and upon what occasion?

2. *Item*, Have you known the life and conversation of the said J. R. and P. R. or either, and which of them, and how hath it been, good or bad, and of what fame or reputation are the said J. R. and P. R.

3. *Item*, Are or have the said J. R. and P. R. or either, and which of them, been common Swearers or Drunkards, or do or did they, or either, and which of them, ordinarily or often swear or forswear themselves, or either, and which of them?

4. *Item*, Have the said J. R. and P. R. or either, and which of them, at any time or times, or when, accepted or received any, and what sum or sums of Mony, or other reward, or promises of any, and
what

what Sum or Sums of Mony, or other Reward from any person or persons, and from whom, to swear or testifie in any Cause or Suit controverted in any Court of Equity or Law in *England*? Between whom was such Suit or Suits depending, or where, did they or either of them swear, and how did you come to the knowledge thereof?

5. *Item*, Have the said *J. R.* and *P. R.* or either, and which of them, received of the Plaintiff, or any for him, and of whom by name, any, and what Sum or Sums of Mony, or other consideration or promise of any, and what reward, or other gratuity, to depose in this Cause on the Plaintiffs behalf?

6. *Item*, Have the said *J. R.* and *P. R.* or either of them, and which of them, been declared Bankrupts, and do they or either, and which of them, obscure him or themselves in the Isle of *L.* or elsewhere, to hide or obscure him or themselves from his or their Creditors?

To prove possession of certain Lands, a Contempt being prosecuted by the Complainant.

Interrogatories to be administred to Witnesses to be examined on the part and behalf of *R. W.* Esq; Defendant, to prove his Possessions of certain Lands, touching which a Contempt is prosecuted against him by *J. C.* Complainant.

1. *Imprimis*, Do you know the Plaintiff and Defendant, either, and which of them, and how long have you known them, either, and which of them?

2. *Item*, Do you know the Manor of *M. S.* in the County of *G.* and do you know that the Defendant *W.* is Lord or Owner thereof, and how long have you so done?

3. *Item*, Do you know that the said Defendant *W.* hath at any time or times, and when, since the Month of *February*, 1654. been possessed of the Lands lying

lying within the said Manor now in question between the said Plaintiff and Defendant, or any, and what part or parts of the same, and do you know that at any time or times, and when, since the Month of *February*, 1655. the said Defendant hath had or enjoyed the Profits of the said Lands in question, or any, and what part or parts of the same, or that he, or his Servants or Workmen for him, have at any time or times, and when, since *February*, 1655. aforesaid, cut and carried away the Grass growing upon the same Premises, or any part or parts thereof, at any time or times, and when, since the time aforesaid? Declare the truth.

The Style used in Depositions.

Depositions of Witnesses taken at the *White-Hart* in *A.* in the County of *B.* by virtue of a Commission out of the High Court of Chancery to us *A. B. C. D.* and *E. F.* Gent. (and others) directed in a Cause depending in the said Court between *G. H.* Esq; Plaintiff, and *J. K.* Gent. Defendant, on the part and behalf of the Plaintiff [or] the Defendant [as the Case is] as followeth, viz.

A. B. of *C.* in the County of *D.* Yeoman, aged 35 years, or thereabouts, sworn and examined; Deposeth, as followeth.

To the first Interrogatory this Deponent saith,
&c.

The Oath to be administred to Witnesses.

You shall true Answer make to all such Questions and Articles as you shall be examined unto, upon the Interrogatories to be exhibited unto you; you shall speak the Truth, the whole Truth, and nothing but the Truth, without respect or favour to either Party: So help you God.

Kiss the Book.

Notice of Executing a Commission.

*Between G. H. Esq; Plt. }
J. K. Gent. Def. }*

By virtue of a Commission under the Great Seal of *England* to us *A. B. C. D. E. F. Gent.* and others directed out of the High Court of Chancery for the Examination of Witnesses in this Cause: These are to give you notice that the Plaintiff *G. H. Esq;* intends to execute the said Commission upon the 10th day of *June* next, at the House of *J. Q. Widow*, at the *White-Hart* in the County of *B.* by eight of the Clock in the Forenoon, where you and your Commissioners may be present, if you please. Given under our Hands and Seals this 20th day of *May*, 1687.

To *J. K. Gent.*

*A. B.
C. D.
E. F.*

Bills

Bills in Chancery.

A Bill in Chancery to examine the Witnesses to a Will and Codicil, for preservation of their Testimony in perpetual Memory.

To the right Honourable *Heneage*, Earl of *Nottingham*, Lord high Chancellor of *England*.

HUmblly complaining, sheweth unto your Lordship, your Oratrix Dame *M.M.* the Relict and Executrix of the last Will and Testament of Sir *E. M.* late of *L.* in the County of *M.* Baronet, deceased, for and on the behalf of her self and her two Daughters *Anne* and *Frances M.* Infants, under the Age of six years, being Daughters and Co-heirs of the said Sir *E. M.* that the said Sir *E. M.* being in his life time seised in his Demeasfn as of Fee-simple of and in several Manors, Lands, Tenements and Hereditaments situate, lying and being in the several Parishes of *A. B. C.D. &c.* in the County of *M.* and elsewhere. And being so seised as aforesaid, did on or about the two and twentieth day of *January* in the year of our Lord God, 1680. make his last Will and Testament in writing and amongst several other Devises and Bequests, he the said Sir *E. M.* did devise and bequeath all his real Estate in the Counties of *M. H. G.* or elsewhere to the eldest Son he should have living by your Oratrix at the time of his death, and to the Heirs of such Son; and in case he should have no Son living at the time of his death, he the said Sir *E. M.* did give, devise and bequeath all his said real Estate to such Son as your Oratrix should happen to be with Child with at the time of his death: And if it did happen that he should die without any Issue Male, then his

Will

Will was, and he the said Sir *E. M.* did give, devise and bequeath all his said real Estate to such Daughters as he should have living, and that your Oratrix should happen to be with Child with at the time of his death, and to the Heirs of such his Daughters: And if it happened that he should die without any Issue lawfully begotten, then the said Sir *E. M.* did give, devise and bequeath all his said real Estate to your Oratrix, his then Wife, for and during the term of her natural life, and from and after her decease: And in default of any Issue of his own Body his Will was, and he did thereby give, devise and bequeath all his said real Estate to his well beloved Cousin *C. M. Gent.* the third Son of his well beloved and dear Uncle *W. M. Esq;* then late of *T.* in the aforesaid County of *M.* and to the said *C. M.* for ever. And the said Sir *E. M.* did likewise by his said Will give, devise and bequeath to your Oratrix, his then well beloved Wife, all his Goods and Chattels, Mony, Plate, Householdstuff, and other personal Estate whatsoever, and did thereby direct your Oratrix, his said Wife, to pay and discharge all such just Debts as he should owe at the time of his death. And his Will was, that your Oratrix should receive all the Rents, Issues and Profits of his Estate for the space of ten years towards the payment of his Debts and the Maintenance of his Children, and if your Oratrix should happen to die within the ten years after his decease, and before all his Debts were satisfied, then his Will was, and he did devise and bequeath all his Manors, Lands, Tenements and Hereditaments, and all his real Estate whatsoever to his well beloved Uncles *C. V. of L.* and *T. M. of B.* in the said County of *M.* Esq; and to their Executors and Administrators, and to the Executors and Administrators of the Survivor of them, to hold for the term of ten years, to commence from the day of his death, for and towards the

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the payment of his just Debts, and the Maintenance of his Children, until they should attain unto the Age wherein to make choice by Law of their Guardians; and at the end of the said ten years, or as soon as his Child or Children could by Law call for and take an accompt, he did direct the said Mr. C.V. and Mr. T.M. to give an accompt of their Receipts and Disbursements of, for or concerning his Estate, in which Accompts his Will was, that all reasonable Allowances and Charges be made, given and allowed to the said Mr. C. V. and Mr. T. V. and to their Executors and Administrators: And he did thereby revoke all former Wills by him the said Sir E. M. made, and did nominate, constitute and appoint your Oratrix, his then Wife, his sole Executrix of his last Will and Testament, reserving to himself a power in case of sudden sickness, to add or alter any part of his last Will by Codicil in writing thereunto to be annexed: And your Oratrix farther sheweth unto your Lordship, that the said Sir E. M. on or about the eighth day of *May*, 1682. by virtue of the power reserved to himself by his Will, bearing date as before mentioned, did make a Codicil, whereby he the said Sir E. M. did give and bequeath unto Mrs. D. M. and Mrs. L. M. one hundred pounds in Mony for two years last past before the date of the Codicil, and fifty pounds yearly during their natural Lives, to be equally divided between them, and this to be paid to their lawful Attornies or Assigns upon every the twentieth day of *June*, and every the twentieth day of *October* yearly, by even and equal portions, if it should be lawfully demanded, and to continue during the Life of the longest Liver of them both: And he did also give and bequeath unto the Poor of the Parish of *L.* the Sum of ten pounds to be paid within three Months next after his decease, and did give and bequeath unto the Church of *L.* 10 s. and did

did give and bequeath to Mr. *T.B.* five pounds yearly during his Life, and did give and bequeath to Dr. *J. J.* twenty pounds, a mourning Suit and Ring, and did give and bequeath unto *J. T.* his Servant, the Farm he now enjoys during his natural Life, and a mourning Suit and Ring; and did give unto *T. A.* his Servant, ten pound, a mourning Suit and Ring. And your Oratrix farther sheweth unto your Lordship, that the said Sir *E. M.* having signed, sealed, published and declared his said last Will and Testament and Codicil in the presence of seven or more credible Witnesses, and the said Witnesses having subscribed and attested the said last Will and Testament and Codicil of the said Sir *E. M.* in the presence of him, the said Sir *E. M.* did deliver his said last Will and Testament to be preserved and kept; and shortly after, that is to say, on or about the eighth day of *May*, 1682. the said Sir *E. M.* died, leaving behind him your Oratrix *M.* and his said two Daughters your Oratrices *A.* and *F. M.* And your Oratrices did well hope there could be no pretence of Cavil about the said last Will and Testament and Codicil of the said Sir *E. M.* and that your Oratrices should quietly hold and enjoy the Estate real and personal of him the said Sir *E. M.* according to the true intent, meaning and purport of his said last Will and Testament, the said Sir *E. M.* the Testator being the only Son and Heir of Sir *E. M.* of *L.* aforesaid. But now so it is, may it please your Lordship, that Sir *J. M.* Baronet, next Brother to Sir *E. M.* deceased, Father to the Testator, doth pretend Title to the Manors and Lands of your Oratrix's Husband and Oratrices Father, and doth give out in speeches that your Oratrix's late Husband had no power to devise the said Estate by his Will; and at other times, that if he had power, that he made no Will, nor any Devise thereof; and in case he made any Will,

that

that he was not *compos mentis*, nor of sound and disposing Memory at the making thereof: In tender consideration whereof, and forasmuch as your Oratrix and Oratrices Witnessees or most of them that can prove the said last Will and Testament, and Codicil of the said Sir *E. M.* are aged and infirm, and to the intent she may examine them in this Court for preservation of their Testimony for proof of the said Will and Codicil, and that the same Will and Codicil by which the said Manors and Lands are devised, may be produced by your Oratrix and Oratrices in this honourable Court, and their Evidence, Depositions and Testimony thereof, and touching the same may be here preserved, for the making out your Oratrix and Oratrices Title to the said Manors, Lands and Premisses: And to the end your Oratrix and Tenants Possession in the said Manors, Lands and Premisses may by this honourable Court be quieted and established, and that your Oratrix and Oratrices may be relieved in all and singular the Premisses: May it please your Lordship, the Premisses considered, to grant unto your Oratrix and Oratrices his Majesty's most gracious Writ of *Subpoena* directed to the said Sir *J. M.* Baronet, thereby commanding him at a certain day therein limited and expressed, personally to be and appear before your Lordship in his high and honourable Court of Chancery to make Answer unto all and singular the Premisses aforesaid, and to stand to and abide such Order therein, as to your Lordship shall seem meet,

And your Oratrix and Oratrices shall ever pray, &c.

A Bill to preserve the Testimony of Witnesses to a Will with several Codicils recited in hæc verba.

To the right honourable George Lord Jeffreys, Baron of Wem, Lord high Chancellor of England.

Complaining shew unto your Lordship, your O-rators and Oratrices, J. Dutchess Dowager of N. Widow and Relict of the most noble H. late Duke of N. Earl Marshal of England, the Lord G. H. the Lord T. H. and the Ladies K. N. and P. H. Sons and Daughters of the said H. and J. Duke and Dutchess of N. Infants, under the Age of 21 years by C. M. their Prochein Amy and Guardian, That the said late Duke of N. being in his life time, and at the time of his death, seised in his Demesne as of Fee simple, or some other Estate of Inheritance, whereof he had power to dispose by his last Will and Testament in writing, of and in all those Manors of R. and K. and the Rectory of R. in the County of R. and the Manor of G. alias G. D. in the County of D. and the Advowson of the Vicarage, Parsonage or Parish-Church of G. and of and in several other Messuages, Lands, Tenements and Hereditaments hereafter mentioned, and being so seised, and of sound and disposing mind and memory, he the said Duke of N. did on or about the twentieth day of January, 1682. make his last Will and Testament in writing in the Words, or to the effect following: (That is to say) In the Name of God, Amen, I H. Duke of N. being of sound and perfect Health, Mind and Memory, thanks be to God, do make and ordain this my last Will and Testament: First, I bequeath my Soul into the Hands of Almighty God, firmly trusting to be saved by the Merits of the bitter Death and
Passion

Passion of my Saviour Jesus Christ, and my Body to the Earth to be decently buried, without Funeral Pomp or Ceremony amongst my Ancestors, if conveniently it may be; I hereby revoke all former Wills by me made; and as touching and concerning that temporal Estate, both real and personal, wherewith it hath pleased God to bless me, I give, devise and dispose of the same as followeth: *Imprimis*, I give and devise all those Manors of *R.* and *K.* and the Rectory of *R.* in the County of *T.* and all that my Manor of *G.* *alias* *G. D.* in the County of *D.* and the Advowson of the Vicarage, Parsonage or Parish-Church of *G.* all that Messuage or Tenement, with the Appurtenances in *N.* four Acres of arable Land, and one Meadow lying together in the Demesnes of *N.* aforesaid in the Counties of *C.* and *S.* or one of them: All that my Capital Messuage in *W.* in the County of *S.* together with the Messuage by me lately purchased of *A. B.* and *J. S.* Esquires, in *W.* aforesaid, with the Gardens, Orchards and Appurtenances to the same belonging, or therewith held and enjoyed; and all that my Messuage or Tenement with the Appurtenances and the Gardens and Orchards thereto belonging, situate and being in the City of *N.* and County of *N.* commonly called *C. Gardens*; Also all that Wharf or parcel of Ground used for a Wharf in the Parish of *L.* in the said County of *S.* now or late in the tenure or occupation of *B. C.* his Assigns or Undertenants; all that my Messuage or Tenement in *A.* I say I give, devise and bequeath all and every the aforesaid Manors, Messuages, Lands, Tenements and Premises in the said Counties of *N. T. D. C. S. S.* and *M.* and all other my Lands, Tenements or Hereditaments of what nature or kind soever, in all or any of the said Counties or elsewhere, within the Kingdom of *England* or elsewhere; unto my dear and loving Wife *J.*

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Dutcheff

Dutcheſs of N. to have and to hold during her life, in full ſatisfaction of her Dower, and upon truſt and confidence, and to the intent that ſhe my ſaid Wife ſhall and will by and with ſome part of the Rents and Profits of the ſaid Manors and Premiffes, bring up and maintain the Children between us. And my Will is, that ſhe my ſaid Wife ſhall during her life, make ſuch allowance to my ſaid Children for their Education and Maintenance as ſhe in her diſcretion ſhall think fit, my Son G. being the eldeſt to have a more liberal Allowance, and all their Maintenances and Allowances not to exceed in the whole one third part of the clear Rents and Profits of my ſaid Manors and Premiffes in the Counties of D. and Y. And if the number of my ſaid Children ſo to be maintained ſhall by Death, Marriage or other provision or accident be reduced under the preſent number of five, then the whole Maintenance among them not to exceed a fourth part of the ſaid clear Rents and Profits of the ſaid D. and Y. Shires Eſtates. *Item*, I give and deviſe the ſaid Manors, Lands, Tythes and Premiffes herein before bequeathed to my ſaid Wife, from and after her Death unto my Son G. H. and the Heirs Male of his Body begotten, charged and chargeable with the Proviſoes, Annuities and Sums of Mony as herein after is mentioned; and for want of ſuch Iſſue to my Son J. H. and the Heirs Male of his Body charged and chargeable with the Sums of Mony herein after mentioned; and for want of ſuch Iſſue to all and every other Son and Sons that I ſhall have begotten on the Body of my ſaid Wife, J. D. of N. or that ſhe ſhall be *enſeint* with at the time of my Death, and to the Heirs Males of their ſeveral Bodies ſeverally and ſucceſſively, the elder and his Heirs Males to be always preferred and taken before the younger; and for want of ſuch Iſſue to and among my Daughters K. A. and P. H. and all or
any

any other Daughter or Daughters that I shall beget on the Body of my said Wife *J.* Dutcheſs of *N.* or that ſhe ſhall be *enſeint* with at the time of my Death, and the Heirs of the Bodies of my ſaid Daughters; and if all or any of them die without Iſſue, to remain to the Survivors of them my ſaid Daughters and the Heirs of their Bodies; and for want of ſuch Iſſue to my Son the Lord *T. H.* and his Heirs for ever. Provided always, and I do hereby will and deviſe that it ſhall and may be lawful to and for my ſaid Wife by any Deed or Writing under her Hand and Seal, teſtified by two or more Witneſſes, to grant, limit and appoint to my ſaid Son *J. H.* and the Heirs Males of his Body begotten, or for any leſſer Eſtate determinable on his Death, ſo much and ſuch part of the ſaid Manors and Premiſſes as ſhe in her diſcretion ſhall think fit and convenient, ſuch part and ſo much to be granted, limited and appointed not to be leſs than one hundred pounds *per annum*, nor to exceed one thouſand pounds *per annum*. Provided alſo, that it ſhall and may be lawful to and for my ſaid Wife by any Deed or Writing under her Hand and Seal, teſtified by two or more Witneſſes, to grant and appoint any Sum or Sums of Mony payable to my Daughters *K. A.* and *P. H.* or any other my Child or Children that I may hereafter have by my ſaid Wife to be charged and chargeable upon the ſaid Manors and Premiſſes, ſo as ſuch Sums to be charged or appointed to be paid out of the ſaid Premiſſes be not leſs than five hundred pounds, and do not exceed three thouſand pounds apiece, payable to ſuch Daughter or Daughters, Child or Children, or any equivalent by way of Annuity, or ſo much of the Eſtate in Fee to that value. And in default of ſuch Grant and Appointment to be made by my ſaid Wife to the benefit of or to the ſaid *J.* I give and deviſe unto my ſaid Son *J. H.*

for and during his Life one Annuity or yearly Rent charge of five hundred pounds to be issuing and going out of all and every the said Manors, Lands and Premisses, to commence from and immediately after the Death of my said Wife, with power to distrain for non-payment of the same, to be payable at two Feasts or days of payment in the year, (that is to say) the Feasts of the Annunciation of the blessed Virgin *Mary* and St. *Michael* the Archangel, by equal portions, the first payment to begin and be made on such of the said Feasts as shall first happen next after the decease of my said dear Wife. And for want of such Grant and Appointment to be made by my said Wife unto my Daughter *K. H.* then I give and bequeath to her for her life one Annuity or yearly Rent-charge of two hundred pounds to be issuing out of the said Manors and Premisses, and to commence after the Death of my said Wife, with power to distrain for the non-payment thereof, to commence and be payable and paid at the Feast-days, as aforesaid: And in case my said Wife shall not make any Grant or Appointment to or for my said Daughter *A. H.* then I give and bequeath to her for her life, one Annuity or yearly Rent-charge of two hundred pounds to be issuing out of the said Premisses, with power to distrain for non-payment thereof, and to commence and be payable and paid at the Feast days, and in manner as aforesaid: And in case my said Wife shall grant and appoint to and for my said Daughter *P. H.* in such manner as aforesaid, then I give her during her life the like Annuity or yearly Rent of two hundred pounds to be issuing out of the said Premisses, with power to distrain for non-payment thereof, and to commence and be payable at the Feast days, and in manner as aforesaid. And under the like Condition, I give two hundred pounds *per annum* apiece to every other of my Children that shall be begotten

begotten on my said Wife, during their respective Lives, which my said Wife shall not make any Grant or Appointment for, according to the Proviso or Power herein before contained, and direct the said Annuities so bequeathed to my said Daughters and younger Children, for want of Appointments to be made by my said Wife, to commence after the death of my Wife, and to be paid half-yearly at every Michaelmas and Lady-day, the first payment to be made at such of the said Feast days as shall next happen after my said Wife's decease. And my Will is, that none of my said Children shall have their said Annuities in case my said Wife shall execute her Power, and make any Grant or Appointment for them out of the said Estate.

Item, I give all my Arrears of Rent, Leases, Debts, Jewels, ready Mony, and all and every my personal Estate whatsoever to my said Wife *J. Dutches* of *N.* And of this my Will I make, constitute and ordain my worthy Friends *S. F.* and *D. S.* Esquires, and my Servant *C. M.* in trust for my said Wife, Executors, and do devise to them the Custody and Guardianship of my said Children and their Estates, till their respective full Ages of one and twenty years: In witness whereof I have to this my last Will and Testament set my Hand and Seal this twentieth day of *J.* one thousand six hundred eighty two, *N.* and *M.* Signed, sealed and published by the said *H. Duke* of *N.* for and as his last Will and Testament, in the presence of *P. R. N. F. R. R. P. L.* And afterwards the said *H. Duke* of *N.* having a desire to make some alteration of his said Will of the Bequests therein mentioned, and to give some other Legacies to other persons than are given by his said Will, did on or about the fifth day of *J.* last annex a Codicil thereunto in the Words following: (That is to say) A Codicil to be annexed to my last Will. Whereas I have by my last Will

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devised

devised and limited my Manors of R. and K. and the Rectory of R. in the County of T. my Manor of G. *alias* G. D. in the County of D. the Advowson of the Vicarage of G. my Messuage and Lands in N. my Capital Messuage at W. with that other lately bought of Mrs. B. and others, my Messuage and Gardens called C. Gardens, my Wharf or Ground now or late in the possession of B. C. and all other my Lands, Tenements and Hereditaments, of what nature or kind soever within the Kingdom of *England*, unto my Daughters K. A. and P. and any other the Daughters by my now Wife J. Dutches of N. and the Heirs of their Bodies in Remainder after the Deaths of my Sons the Lord G. H. and the Lord J. H. without Issue Male of their Bodies, with Remainder over to my Son the Lord T. H. and his Heirs: Now I do hereby revoke the said Devise of the said Remainders to and among my said Daughters, and also the said Remainder in Fee, thereby devised to my said Son the Lord T. H. and all other Devises and Bequests in my said Will contained of any my Manors, Lands or Tenements to my said Daughters, or to my Son the Lord T. H. And I do hereby devise and appoint, that after the particular Estates in the said Manors, Messuages and Premises in and by my said Will given and bequeathed to my said dear Wife for her Life, and afterwards to my said two Sons G. and J. in Tail Male successively shall cease and determine: That then all and every my said Manors, Messuages, Lands and Premises (except my Messuage in A. which I have disposed of by Deed) shall be and remain unto Sir H. G. Knight, and N. F. Gent. their Executors and Administrators for the full term of one thousand years, without impeachment of Waste. In trust, either by perception of Profits, or by sale of all or any of the Premises, to raise the Sum of ten thousand pounds to be

be paid to such person or persons as my said Wife *J. Dutcheſs* of *N.* ſhall by any Writing under her Hand and Seal appoint and direct, and for want of ſuch direction and appointment, to the Executors or Adminiſtrators of my ſaid Wife, as alſo the ſeveral Sums of two thouſand pounds a-piece for every of my ſaid Daughters, to be paid to them as an addition to their Fortunes, over and above ſuch Sums of Mony or Annuities as I have appointed and impowred their Mother, my Wife, the Dutcheſs of *N.* to grant or appoint unto them, or that I have by my Will given unto them in default of ſuch Grant or Appointment of my ſaid Wife, my intent being only to revoke their Remainder or Eſtates in the ſaid Manors and Premiſſes, and not any Sums of Mony or Annuities thereout payable or Eſtates that their ſaid Mother hath by my ſaid Will a power to grant them. And under this farther Trust that the ſaid *Sir H. G.* and *N. F.* their Executors and Adminiſtrators (in caſe my ſaid Sons the Lord *G. H.* and *J. H.* ſhall die without Iſſue Male) ſhall in like manner by Profits or Sale raiſe and pay the Sum of three thouſand pounds a-piece to the Daughters of my ſaid Sons the Lord *G. H.* and *J. H.* as ſhall live and attain to the Age of one and twenty, or live to be married; in caſe there be one, two or three ſuch Daughters, and no more. And in caſe they ſhall have more than three Daughters that ſhall live and attain to that Age, and not leave any Iſſue Male; then in truſt either by Profits or Sale to raiſe the Sum of ten thouſand pounds to be equally divided among the ſaid Daughters: And after the end of the ſaid term of one thouſand years, and after the truſts of the ſame determined or performed, then I deviſe all and every the ſaid Manors, Lands and Premiſſes to my Son and Heir apparent, the right honourable *H.* Earl of *A.* and the Heirs Males of his Body, and for want of ſuch

such Issue, to my said Son the Lord *T. H.* and his Heirs. I give and bequeath one hundred pounds to *M. T.* the Wife of *D. T.* Esq; and the like Sum of one hundred pounds to *E. H.* Daughter to Widow *S.* I give unto *C. H.* the Sum of ten pounds; to each of my Servants at the time of my death, besides the Wages due to them, half a years Wages. I recommend to my Wife to bestow something in Charity to poor People, but leave the *quantum* wholly to her discretion. I give my Daughter, the Lady *F.* and her Children, ten pounds *per mensem*, for one year next after my decease; and in case her Husband does not take her home in that time, then I appoint one hundred pounds to be paid for carrying her and her Child over to *Madrid* to her Husband there: And I recommend the care thereof to my said Son the Lord *T.* to see this done. I forgive my Brother *C. H.* the Monies which he oweth me (which I compute to amount to about seventeen hundred pounds) upon Condition, that he do within six Months after my decease, release unto my Executors all Demands. I earnestly desire my Son, the Lord *A.* to be kind and respectful to my said Wife and her Children, and be assisting to them in what he may. As for such Monies as my Sister the Lady *E.* hath at any time received of me, or that are owing by her to me, I bequeath the same to my said Son the *E.* of *A.* and to *P. R.* and *C. B.* to be applyed and disposed by them toward satisfaction of what the my said Sister can or may demand out of mine or my said Sons Estates real and personal, or out of those Estates that they the said *P. R.* and *C. B.* stand seised of, or intrusted with, for me and my said Son. And my Will is, that my aforesaid Manors, Messuages, Lands and Tenements devised by my said Will to my said Wife the Dutches of *N.* for her Life, with successive Remainders in Tail Male to my Sons the Lords
G. H.

G. H. and J. H. and by this my Codicil devised in Remainder to my said Trustees for one thousand years, with successive Remainders over to my Sons the Earl of A. and the Lord T. J. be liable and subject in the first place to pay all such Debts as I have contracted, either for Money lent or expended for me, Services done, or Goods delivered, at any time or times since the first day of *December*, in the year of our Lord one thousand six hundred and eighty. And I hereby give my Executors in my said Will named, power by Sale, Lease or Mortgage of any the said Manors, Messuages, Lands and Tenements, or any other my real Estate whatsoever, to raise Monies for payment of my said Debts (any thing before in my said Will or this my Codicil contained to the contrary notwithstanding) In witness whereof, I have to this Codicil contained in three Sheets of Paper, set my Hand and Seal this fifth day of J. 1683. N. and M. Signed, sealed and published by the said H. Duke of N. and declared to be part of his last Will and Testament in the presence of C. B. P. B. R. R. C. M. And afterwards on or about the eighth day of J. last, the said H. Duke of N. did make some other alteration in his said Will, and annexed another Codicil thereunto in these words following. (That is to say) Another Codicil to be annexed to my last Will. Whereas I have by my last Will given and bequeathed to my dear Wife J. Dutches of N. for her Life, all those my Manors of R. and K. and the Rectory of R. in the County of T. my Manor G. *alias* G. D. in the County of D. the Advowson of the Vicarage of G. my Messuage and Lands in N. my Capital Messuage at W. with that other lately bought of Mrs. B. and others, my Messuage and Garden called C. G. my Wharf or Ground now or late in the possession of B. C. and all other my Lands, Tenements and Hereditaments of what nature

nature and kind, soever within the Kingdom of *England*, but did by my said Will charge my said Wife's Estate for Life in the said Manors and Premises, with the payment of a third or other share of the Rents and Profits to and among my Children by her, for their Maintenance, during my said Wife's Life. Now I do hereby declare my Mind and Will to be, that my said dear Wife shall not be obliged to pay or allow to my said Children out of the said devised Manors and Premises above the Sum of one hundred pounds *per annum* apiece during my said Wife's Life, for their respective Maintenances: And I do hereby confirm and devise all the said Manors and Premises, and the whole Rents and Profits thereof to my said dear Wife to her own use, except the said several Sums of one hundred pounds *per annum* payable to my said Children respectively for their Maintenance, during the Life of my said Wife. And my Will is, in case either or any of my said Children shall die in the Life time of my said Wife, then the one hundred pounds *per annum* payable to such Child or Children so dying shall cease, and not be paid or payable from or after their respective Deaths. And in regard I have had great experience of the Honour, Integrity and Prudence of my said dear Wife, I do therefore hereby give her full power and authority to make or let any Lease or Leases in writing under her Hand and Seal of my said Manor of *G. alias G. D.* or of any my Messuages, Lands, Tenements or Hereditaments within the said Manor of *G.* or elsewhere in the County of *D.* I say, of the whole or any part or parts thereof, for the full term or terms of threescore years, or any lesser term or terms, number or numbers of years, so as the yearly Rent and Rents to be reserved and made payable by such Lease or Leases, or the other Rents payable for or out of the

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the said Manor and Premisses, be in the whole treble the value of the whole Rents reserved, and now payable out of the said Manor and Premisses by the present Tenants during their Leases now in being. And my Will is, that my said Wife may execute such her power of making Leases from time to time, as well during the time any the present Leases of the Manor and Premisses shall be or continue in being, as afterwards: And do hereby devise and confirm the said several Premisses to the respective persons and Lessees that my said Wife shall make such Lease or Leases unto for the several and respective terms to be by her demised, as aforesaid. And what is in this and my former Codicil contained, my Will is, shall take place and be observed, any thing in my Will to the contrary notwithstanding. And I hereby nominate my noble Friend the right honourable *G. M. of H.* Overseer of my Will, and do hereby desire him, as he hath always been my noble, faithful Friend, so to continue his Friendship and Kindness to my dear Wife and Children. And I declare this as part of my last Will and Testament: In witness whereof I have hereunto set my Hand and Seal this eighth day of *J.* one thousand six hundred eighty three. *N. and M.* Signed, sealed, published and declared by the said *H. Duke of N.* as a Codicil to, and part of his last Will and Testament, in the presence of *H. S. G. A. P. B. P. C. M. R. R.* as in and by the said last Will and Testament and Codicils thereunto annexed, duly signed, sealed and published (relation being thereunto had) may appear. Shortly after the making and publishing of which said Will and Codicils, (that is to say) on or about the day of *J.* last past, the said *H. Duke of N.* died so seised of the said Manors and Premisses, leaving your Oratrix *J. Dutches of N.* his Widow and Relict, and the most noble *H.* now Duke of *N.*
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his eldest Son and Heir at Law, and the Lord T. H. and your Orators and Oratrices G. J. K. A. and P. H. his younger Children. And the said Wills and Codicils being duly sealed and published by the said H. Duke of N. when he was of sound and perfect Mind, Memory and Understanding, the same ought to stand and be performed, and your Oratrix the Dutches of N. and your Orators and Oratrices her Children ought to have, hold, possess, receive and enjoy the several Estates, Annuities, Legacies and Bequests to them given and devised by the said Will and Codicils of and in the said Manors and Premises therein mentioned. But now, so it is, may it please your Lordship, that the said H. now Duke of N. the Son and Heir of the said late Duke, doth deny that the said H. late Duke of N. ever made and published the said Will and Codicils, and sometimes pretendeth that the said late Duke had no power to make such Will and Codicils, and devise the said Manors and Premises as thereby he hath done, and at other times that the said late Duke was not of sound and disposing Memory and Understanding at the sealing and publishing of the said Will and Codicils, although he the said now Duke well knows or believes the contrary. And the said now Duke threatens, that when the said Witnesses to the said Will and Codicils are dead, that then he will contest the same and the validity thereof, and set up his Title as Heir at Law to the said Manors, Lands and Premises. All which doings of the said Duke are contrary to Equity and good Conscience. In tender consideration whereof, and forasmuch as your Orators and Oratrices cannot examine their Witnesses *in perpetuam rei memoriam*, to preserve their testimony, and prove the due sealing and publishing of the said Will and Codicils, without the aid and assistance of this honourable Court: To the end therefore that the

the said *H. Duke of N.* may set forth and discover whether the said late Duke of *N.* his Father, did not make such Will and Codicils as are herein before set forth, and whether he doth not know or believe that the said late Duke was *compos mentis*, and of sound and disposing Mind and Memory and Understanding at the sealing and publishing of the same, and whether he had not good power and authority to make such Will, and to devise the said Manors and Premises in such manner as by the said Will and Codicils he hath done : And that the said now Duke may true Answer make to all and singular the Premises : And that your Orators and Oratrices may have the aid and assistance of this honourable Court to examine their Witnesses *in perpetuam rei memoriam*, for preservation of their Testimonies, and may have such relief in the Premises as is usually given in such Cases. May it please your Lordship to grant unto your Orators and Oratrices your Lordship's Letter to be directed to the said *H. Duke of N.* thereby requiring him,
&c. *A. P.*

A Bill in the Exchequer for Tithes.

To the Right Honourable, *&c.*

Humbly complaining, sheweth unto your Lordship, your daily Orator, *J. J.* Clerk, Vicar of the Parish Church and Vicarage of *B.* in the County of *L.* Debtor and Accomptant to his Majesty, as by the Records of this Court appeareth, That your Orator, about forty years since, was lawfully presented unto, and admitted, instituted and inducted into the said Church and Vicarage. By virtue whereof your Orator ought to enjoy all the Tithes, Duties and Profits whatsoever belonging to the said Vicarage, as your Orator's Predecessors, the former Vicars thereof have heretofore enjoyed the
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same. And your Orator farther sheweth, That from the time whereof the Memory of Man is not to the contrary, or otherwise by some ancient Endowment or Composition, the Vicar of the said Parish Church and Vicarage for the time being, hath been entituled unto, and hath from time to time received, and ought to take, receive and enjoy all the Tithes of Hay, and all the small and privy Tithes yearly from time to time coming, growing, happening, increasing and renewing within the said Parish of *B.* and the tithable places thereof. And that all the Tithes of Hay, Calves, Sheep, Lambs, Wool and Milk, and all other small Tithes, yearly arising, happening, growing, increasing and renewing within the said Parish, and the tithable places thereof, by virtue of such Custom, ancient Endowment or Composition, ought to be paid in Kind unto the Vicars of the said Vicarage for the time being, or else some Rate, Composition, or Sum of Mony in lieu of the same, and so ought to have been paid and rendred to your Orator, as Vicar thereof. And your Orator farther sheweth, that *S.S.* of, &c. did in the year of our Lord 1660, and 1661, occupy and possess about 30 Acres of Meadow Ground, and about 16 Acres of Pasture Ground within the said Parish, and yearly mowed the Grass growing upon the said Meadow Ground, and made the same into Hay, and inned the same, amounting (in the whole) to the number of 60 Load of Hay and upwards by the year, every Load being worth about 20 *s.* the Tithe of which Hay was yearly worth about 6 *l.* And he the said *S. F.* did yearly keep and depasture within the said Parish, and the tithable places thereof, about eight Milch Cows, and 200 Sheep, and had yearly slain from the said Cows about eight Calves, and had yeaned about 100 Lambs yearly from the said Sheep, and did yearly

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clip and shear from the said Sheep about 200 Fleeces of Wool; every Calf being worth about 12 s. and every Fleece of Wool about 4 s. The Tithes of which Calves, Lambs and Wool, were yearly worth 50 l. and upwards. And he the said S. F. had and kept yearly within the said Parish, and the tithable places thereof, several other things tithable, the Tithes whereof were yearly worth 5 l. And your Orator farther sheweth, that J. N. S. N. H. &c. have severally and respectively within the said several years of our Lord 1660, and 1661. occupied, and possessed several Meadow Grounds and Pastures, lying and being within the said Parish, and the tithable places thereof, and had and kept there during all the said times severally several things tithable, and severally mowed there a great Quantity of Grass, and made the same into Hay, and inned the same. All which said Lands, Grounds, Hay, and things tithable, of every of the said persons, were of the like number, natures, kinds, quantities and qualities, and values as are before charged against the said S. F. All which said Tithes, Duties and Rates for Tithes have been due and payable for the several years aforesaid, and ought to have been paid to your Orator, as Vicar thereof: Yet now so it is, may it please your Lordship, That the said S. F. J. N. &c. by combination and confederacy between themselves, and together with several other persons, as yet unknown to your Orator (whose Names when they shall be discovered, your Orator prayeth may be inserted into this your Orators Bill of Complaint, and themselves made Parties thereunto, with apt words to charge them,) refuse to pay unto your Orator the said Tithes, Duties, and Sums of Monies, pretending that Tithes in kind are not due, nor ought to be paid unto your Orator. But that some Rates or Sums of Mony are due, and ought to have been paid in lieu of

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Tithes,

same. And your Orator farther sheweth, That from the time whereof the Memory of Man is not to the contrary, or otherwise by some ancient Endowment or Composition, the Vicar of the said Parish Church and Vicarage for the time being, hath been entituled unto, and hath from time to time received, and ought to take, receive and enjoy all the Tithes of Hay, and all the small and privy Tithes yearly from time to time coming, growing, happening, increasing and renewing within the said Parish of *B.* and the tithable places thereof. And that all the Tithes of Hay, Calves, Sheep, Lambs, Wool and Milk, and all other small Tithes, yearly arising, happening, growing, increasing and renewing within the said Parish, and the tithable places thereof, by virtue of such Custom, ancient Endowment or Composition, ought to be paid in Kind unto the Vicars of the said Vicarage for the time being, or else some Rate, Composition, or Sum of Mony in lieu of the same, and so ought to have been paid and rendred to your Orator, as Vicar thereof. And your Orator farther sheweth, that *S. S.* of, &c. did in the year of our Lord 1660, and 1661, occupy and possess about 30 Acres of Meadow Ground, and about 16 Acres of Pasture Ground within the said Parish, and yearly mowed the Grass growing upon the said Meadow Ground, and made the same into Hay, and inned the same, amounting (in the whole) to the number of 60 Load of Hay and upwards by the year, every Load being worth about 20 *s.* the Tithe of which Hay was yearly worth about 6 *l.* And he the said *S. F.* did yearly keep and depasture within the said Parish, and the tithable places thereof, about eight Milch Cows, and 200 Sheep, and had yearly slain from the said Cows about eight Calves, and had yeaned about 100 Lambs yearly from the said Sheep, and did yearly

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clip and shear from the said Sheep about 200 Fleeces of Wool; every Calf being worth about 12 s. and every Fleece of Wool about 4 s. The Tithes of which Calves, Lambs and Wool, were yearly worth 50 l. and upwards. And he the said S. F. had and kept yearly within the said Parish, and the tithable places thereof, several other things tithable, the Tithes whereof were yearly worth 5 l. And your Orator farther sheweth, that J. N. S. N. H. &c. have severally and respectively within the said several years of our Lord 1660, and 1661. occupied, and possessed several Meadow Grounds and Pastures, lying and being within the said Parish, and the tithable places thereof, and had and kept there during all the said times severally several things tithable, and severally mowed there a great Quantity of Grass, and made the same into Hay, and inned the same. All which said Lands, Grounds, Hay, and things tithable, of every of the said persons, were of the like number, natures, kinds, quantities and qualities, and values as are before charged against the said S. F. All which said Tithes, Duties and Rates for Tithes have been due and payable for the several years aforesaid, and ought to have been paid to your Orator, as Vicar thereof: Yet now so it is, may it please your Lordship, That the said S. F. J. N. &c. by combination and confederacy between themselves, and together with several other persons, as yet unknown to your Orator (whose Names when they shall be discovered, your Orator prayeth may be inserted into this your Orators Bill of Complaint, and themselves made Parties thereunto, with apt words to charge them,) refuse to pay unto your Orator the said Tithes, Duties, and Sums of Monies, pretending that Tithes in kind are not due, nor ought to be paid unto your Orator. But that some Rates or Sums of Money are due, and ought to have been paid in lieu of

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Tithes,

Tithes, and yet they refuse to make known unto your Orator what the said Rates or Sums of Money are, and to pay the same, although they have been often in a friendly manner required to make the same known, and to pay the same accordingly, whereby your Orator is in some measure disabled to pay the Debts which he oweth to his Majesty. In tender consideration whereof, and for that your Orator cannot exactly prove the several Natures, Numbers, Kinds, Quantities or Values of the said Tithes, and things tithable, but only in conjecture, as aforesaid, and therefore is remediless, save only in Equity before your Lordship in this honourable Court: To the end therefore that they the said S. F. J. W. N. H. and T. L. and the rest of the said Confederates when they shall be discovered may set forth what number of Acres of Meadow Ground and Pasture they severally and respectively occupied and possessed, and what the Rents or yearly value of the said Grounds and Pasture were, and what quantity of Grass they severally mowed, and made into Hay, in each of the said years, and what their several Tithes thereof were yearly worth, and what number of Cows and Sheep they severally depastured within the said Parish; and what number of Calves they had severally fallen; and what number of Lambs they had severally yeaned; and what quantity of Wool they severally shorn; and what their several and respective Tithes of Calves, Lambs and Wool were yearly worth; and what other Tithes, or things tithable, they severally had and kept in each of the said years within the said Parish. And to the end that they the said S. F. &c. may discover whether Tithes in kind; or Compositions are due in lieu of Tithes, and what the said Rates or Sums of Money are, and for what things, and in what manner, and at what times payable, and may pay the same. And to the end

end that they the said Confederates may discover the truth thereof, and may pay unto your Orator all and singular the Tithes and Duties due in arrears as aforesaid: As also their Tithes and Duties for the future, as the same shall grow due, so long as your Orator shall continue Vicar of the said Church or Vicarage, and they the said Confederates continue to be Occupiers of any Grounds, or things tithable within the said Parish, your Orator not desiring to take the Advantage of the forfeiture of the treble Value, or of any other forfeiture, but well contenting himself with the single value only. And to the end they the said *S. F. &c.* may true Answer make to all and singular the Premises. And to the end your Orator may be relieved therein accordingly: May it please your Lordship to grant unto your Orator his Majesties Process of *Subpœna*, under the Seal of this honourable Court, to be directed unto the said *S. F.* and the rest of the said Confederates, when discovered, thereby commanding them, and every of them, at a certain day, and under a certain pain, therein to be limited, personally to be and appear before your Lordship in this honourable Court of Exchequer-Chamber at *Westminster*, then and there to answer to all and singular the Premises, and farther to stand to, perform and abide such Order, Direction and Decree therein, as to your Lordship shall seem meet.

And your Orator shall ever pray, &c.

A Bill to redeem a Mortgage.

To the Right Honourable, &c.

Humbly complaining, sheweth unto your good Lordship, your daily Orator *A. M.* of *L.* Son and Heir of *A. M.* late of *M.* in the County of *E.* Gent: deceased, That the said *A. M.* your Orators said late Father deceased, was heretofore, that is to say, in or about the year of our Lord, 1642. seised in his

demesne as of Fee, or some other good Estate of Inheritance, of and in all that Capital Messuage or Tenement, commonly called or known by the name of *W.* situate, lying and being in *M.* aforesaid with all the Outhouses, Edifices, Buildings, Yards, Orchards and Gardens thereunto belonging: And also of and in all that Meadow commonly called or known by name of *P. Mead*, containing by Estimation seventeen Acres, lying in the Parish of *S.* in the said County of *E.* And your Orators said Father being so of the said Messuage and Premises seized as aforesaid, he the said *A. M.* your Orators said late Father, did, in or about the Month of *J.* which was in the year of our Lord God 1644. borrow of one *A. S.* Widow, the Sum of 500 *l.* and for the securing of the payment of the said 500 *l.* with Interest the said *A. M.* your Orators said late Father deceased, in and by a certain Indenture, bearing date on or about the 26th day of *J.* in the said year of our Lord God 1644. did grant, bargain and sell the same Messuage, Lands and Premises before mentioned, unto the said *A. S.* her Heirs and Assigns for ever. Provided nevertheless, and upon this Condition, that if the said *A. M.* his Heirs, Executors, Administrators or Assigns, or any of them, did pay, or cause to be paid unto the said *A. S.* her Executors, Administrators or Assigns, at or in the then Dwelling House of *W. P. Mercer*, situate in *C.* in the County of *E.* the full Sum of 590 *l.* of lawful Mony of *England*, in manner following; that is to say, the Sum of 15 *l.* parcel thereof upon the 8th of *J.* next ensuing the date thereof, and the like Sum of 15 *l.* more thereof upon the 12th of *J.* in the year 1645. And 15 *l.* more upon the second day of *July* then next following, and 15 *l.* more on the 12 of *J.* 1646. and 15 *l.* more on the 12th of *J.* then next following, and 515 *l.* residue upon the 12th of *J.* 1646.

1646. that then the said Bargain and Sale should be void, as by the Deed of Bargain and Sale on that behalf may appear. And your Orator farther sheweth unto your Lordship, that the said *A. M.* did for some time after the said Mortgage so made as aforesaid, pay the Interest of the said 500 *l.* as the same became payable as aforesaid : But the late Wars and Troubles in this Nation happening, and the said *A. M.* being thereby lately impoverished, as also by Losses and otherwise, and wanting Monies, did neglect to continue the payment of some of the said Interest Monies, and thereupon the said *A. S.* did about 14 years since enter into the said Messuage and Premises, as aforesaid mortgaged unto her ; and she the said *A. S.* by her self, her Servants, Agents and Tenants, did divers years together take and receive the Rents, Issues and Profits of the said Messuage and Premises. And did thereby yearly make, receive and had the Sum of 40 *l.* and upwards. And the said *A.* dying about ten years since, one *W. P.* of *C.* in the said County of *E. Mercer*, and one *W. P.* of *R.* in the said County of *E. Yeoman*, immediately after the death of the said *A. S.* did enter into the said Messuage and Premises. And for divers years together did take and receive the said Rents and Profits of the same Messuage and Premises, pretending to have some Title to the same, by or under some Demise or Grant of the said *A. S.* and of late one *T. C.* of *L. Vintner*, hath also entred into the same Messuage and Premises, and held and enjoyed the same, and taken and received the Rents, Issues and Profits thereof to his own use, by virtue or colour of some Grant, Conveyance or Estate thereof to him made, as he pretendeth by the said *W. P.* or *W. P.* or one of them. And the said *T. C.* hath lately pulled and taken down one Barn of four Bays of Building, lately standing, and being parcel of the said mortgaged

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Premises.

Premises, worth, &c. and upwards, to be sold, and hath removed the same Barn off from the said mortgaged Premises, and converted the same to his own use. And your Orator farther sheweth unto your good Lordship, that the said *A. M.* your Orators said late Father, in the Month of *M.* last dyed, and the said Grant and Conveyance of the said Messuage and Premises so made by the said *A. M.* deceased, to the said *A. S.* deceased, being but a Mortgage for Security of Money. And the said Money intended to be thereby secured, being since paid and satisfied by the Receipt of the Profits of the Premises, by the said *A. S. W. P. W. P.* and *T. C.* or some or one of them. And in case any part of the Money thereby intended to be secured, be yet remaining unsatisfied, your Orator (who is Son and Heir to the said *A. M.* deceased) is willing to satisfy and pay the same. And so your said Orator, being Son and Heir of the said *A. M.* deceased, according to the Rules of Equity and good Conscience, &c. But so it is, May it please your good Lordship, that the said *W. P. of H.* (the said *W. P.* and *T. C.* being since dead,) and the said *T. C.* do detain and keep the same Messuage and Premises from your said Orator, and by Combination and Confederacy amongst themselves, do refuse to discover which of them hath the Interest in Law in the same Bargain and Sale, or Estate so made by the said *A. M.* deceased, or by what means the same is come unto them, or either of them. And albeit the said *A. S.* deceased, the said *W. P. W. P.* and *T. C.* have raised great Sums of Money out of the Rents and Profits of the Premises, yet do they the said *W. P. of H.* and *T. C.* refuse to give any Account unto your Orator for the same. And the said *W. P. of H.* and *T. C.* do give out in speeches, that they, or one of them, will hold the possession of the same Premises as a forfeited Mortgage, and
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will take the full and strict advantage thereof in Law; so that your Orator is remediless in the Premises, save only by the aid of this Honourable Court. In tender Consideration therefore of the Premises, and to the end the said *W.P. of H. and T.C.* may by their Answers discover and set forth what Estate or Title they or either of them do claim, in or to the said Messuage and Premises, and under what Practices or Conditions, and what Monies were intended to be thereby secured and to whom, and what they or any of them, or the said *A.S.* deceased, have received by the Rents and Profits of the Premises, or otherwise, towards satisfaction of the said Debt, so secured by the Premises as aforesaid. And may accompt to him your said Orator concerning the same. And that in case the same shall appear to be satisfied, (or otherwise if any Accompt be due upon the same) that upon your Orators payment of what shall appear to remain unsatisfied, they may reconvey the said Mortgage or Estate to your Orator, or otherwise dispose thereof as your Orator shall appoint, and may not be allowed to take advantage of the Forfeiture of the said Mortgage. And that your Orator may be relieved in all and singular, &c. May, &c.

A Bill to be relieved upon breach of Covenants by the Defendants, who have brought an Ejectment against the Plaintiff at Common Law.

Drawn by *Mr. Feltham* of *Grays-Inn*.

To the Right Honourable, &c.

Humbly complaining sheweth unto your Lordship, your Orator *C.S. of N.* in the County of *N.* Esq; That *Sir H.W. and F.W.* or one of them, being seised in Fee, or having good power and authority

Premises, worth, &c. and upwards, to be sold, and hath removed the same Barn off from the said mortgaged Premises, and converted the same to his own use. And your Orator farther sheweth unto your good Lordship, that the said *A. M.* your Orators said late Father, in the Month of *M.* last dyed, and the said Grant and Conveyance of the said Messuage and Premises so made by the said *A. M.* deceased, to the said *A. S.* deceased, being but a Mortgage for Security of Money. And the said Money intended to be thereby secured, being since paid and satisfied by the Receipt of the Profits of the Premises, by the said *A. S. W. P. W. P.* and *T. C.* or some or one of them. And in case any part of the Money thereby intended to be secured, be yet remaining unsatisfied, your Orator (who is Son and Heir to the said *A. M.* deceased) is willing to satisfy and pay the same. And so your said Orator, being Son and Heir of the said *A. M.* deceased, according to the Rules of Equity and good Conscience, &c. But so it is, May it please your good Lordship, that the said *W. P.* of *H.* (the said *W. P.* and *T. C.* being since dead,) and the said *T. C.* do detain and keep the same Messuage and Premises from your said Orator, and by Combination and Confederacy amongst themselves, do refuse to discover which of them hath the Interest in Law in the same Bargain and Sale, or Estate so made by the said *A. M.* deceased, or by what means the same is come unto them, or either of them. And albeit the said *A. S.* deceased, the said *W. P. W. P.* and *T. C.* have raised great Sums of Money out of the Rents and Profits of the Premises, yet do they the said *W. P.* of *H.* and *T. C.* refuse to give any Account unto your Orator for the same. And the said *W. P.* of *H.* and *T. C.* do give out in speeches, that they, or one of them, will hold the possession of the same Premises as a forfeited Mortgage, and
will

will take the full and strict advantage thereof in Law ; so that your Orator is remediless in the Premises, save only by the aid of this Honourable Court. In tender Consideration therefore of the Premises, and to the end the said *W.P.* of *H.* and *T.C.* may by their Answers discover and set forth what Estate or Title they or either of them do claim, in or to the said Messuage and Premises, and under what Practices or Conditions, and what Monies were intended to be thereby secured and to whom, and what they or any of them, or the said *A.S.* deceased, have received by the Rents and Profits of the Premises, or otherwise, towards satisfaction of the said Debt, so secured by the Premises as aforesaid. And may accompt to him your said Orator concerning the same. And that in case the same shall appear to be satisfied, (or otherwise if any Accompt be due upon the same) that upon your Orators payment of what shall appear to remain unsatisfied, they may reconvey the said Mortgage or Estate to your Orator, or otherwise dispose thereof as your Orator shall appoint, and may not be allowed to take advantage of the Forfeiture of the said Mortgage. And that your Orator may be relieved in all and singular, &c. May, &c.

A Bill to be relieved upon breach of Covenants by the Defendants, who have brought an Ejectment against the Plaintiff at Common Law.

Drawn by *Mr. Feltham* of *Grays-Inn.*

To the Right Honourable, &c.

Humbly complaining sheweth unto your Lordship, your Orator *C.S.* of *N.* in the County of *N.* Esq; That Sir *H.W.* and *F.W.* or one of them, being seised in Fee, or having good power and authority

rity so to do, did by Indenture, bearing date on or about the 21st day of *January*, which was in the year of our Lord 1649. demise unto *J. P.* then of *M.* in the County of *N. Esq;* and *J. S.* of *N.* aforesaid *Esq;* deceased, one Cottage or Tenement called *M.* lying on the East side of the River *O.* in *N.* aforesaid, with six Acres of Arable Land, lying in *H.* Field in the said County, together with all the several Fenns, and Fenny Grounds of him the said Sir *H. W.* on the West side of the said River *O.* and lying and being within the Parishes of *H. S. L.* and *W.* to commence from the Feast of St. *Michael* the Archangel, in the year of our Lord 1650. for the term of 21 years, from thenceforth fully to be compleat and ended, at and under the yearly Rent of 42 *l.* 10 *s.* In which said Lease the said Sir *H. W.* and *F. W.* did thereby agree and covenant, that it should be lawful for the said *J. P.* and *J. S.* their Executors, Administrators and Assigns, during the said Term to make upon the said Fenny Grounds, or any part thereof, Banks, Sluces, Drains, Ditches, for improving and draining the Common and Premises. And the said Sir *H.* and *F. W.* did, in and by the said Indenture of demise agree and covenant to make unto them the said *J. S.* and *J. P.* a new Lease of the said demised Premises, and of every part and parcel thereof for 21 years more to commence from and after the expiration of the said former Lease, as by the said Lease, if produced, the same would more fully and plainly appear. And in consideration and contemplation thereof they the said *J. P.* and *J. S.* and your Orator, to whom the said Lease, and the Interest thereof afterwards came by good and lawful Assignment laid out and expended divers great Sums of Money in draining, banking, ditching, fencing, and other improvements in and upon the Premises to the value of 1000 *l.* at least. And your Orator farther sheweth that the
Reversion

Reversion and Inheritance of the said demised Premises, coming afterwards unto Sir *J. W.* since dead who had or could not but take notice of the said Covenant and Agreement for a farther term of 21 years as aforesaid, the counterpart of the said Lease coming to the Hands, Custody or Knowledge of the said Sir *J. W.* And the said *J. S.* and *J. P.* having also in confidence of the said Lease and Covenants and Agreements therein contained built several Houses upon the said demised Premises at their own proper Costs and Charges they or one of them did request of him the said Sir *J. W.* (in performance of the said Agreement and Covenant, which he well knew or had credibly heard of and did believe the same) to make a new Lease for other 21 years accordingly, but he refused so to do. And the said Sir *J. W.* departing this Life left Issue *E. W.* his only Daughter and Heir. And Dame *S.* his Relict who was Mother and Guardian to the said *E.* soon or not long after intermarried with the late Lord *F.* who although they had seen the Counterpart of the said Lease and Covenant or Agreement to make a new Lease or had heard thereof and been requested at least to permit enjoyment of the said demised Premises accordingly, did on or about the 22d day of *March* in the 23d year of his now Majesty's Reign make a Lease of the said Premises, and also of a piece of Ground called the Lord's piece unto one *J. T.* for the term of eleven years, to commence from the 25th day of *March* last mentioned at and under the yearly Rent of 28 *l.* a year and received had and took 180 *l.* Income or Fine for the same from him the said *J. T.* for the use and benefit of the said *E. W.* as her Guardian she being then an Infant. And the said *J. T.* being possessed of the said Premises by virtue of the said Lease paid the said Rent to the said Lord *F.* as Guardian in right of his Lady to the

the said *E. W.* And your Orator having a right to have had a Lease thereof for 21 years by and under the said Covenant and Agreement in the said Lease made to the said *J. P.* and *J. S.* but not well knowing how to have the same in regard of the Infancy of the said *E. W.* the Heir did to gain the possession of the Premises take an Assignment of the said Lease to the said *J. T.* and the same is by good and sufficient assurance in the Law, assigned unto and vested in your Orator for and during the Remainder of the term therein to come and unexpired. And your Orator paid the said Rent for the same to the said Lord *F.* and Dame *S.* his said Wife as Guardian as aforesaid during his Life. And the said Lord *F.* dying, the said Dame *S.* his Relict received the said Rent, and hath since intermarried with Sir *G. S.* Knight, Lord Viscount *C.* in the Kingdom of *Ireland* to whom as Guardian to the said *E. W.* in the right of his Lady, and also as Guardian to *N. S.* Esq; who hath since intermarried with the said *E. W.* the said yearly Rent of 28 *l.* hath been paid by your Orator, and he accepted the same until Lady day now last past when or to which time and since, *viz.* at or about *Michaelmas* last past your Orator also tendred all the Rent in arrear to the said Lord Viscount *C.* or his Receiver or Bailiff. Although as your Orator farther sheweth there hath been taken away from your Orator of the said demised Premises 400 Acres by the Adventurers for the great Level of the Fenns, and 200 Acres by one *G. P.* And your Orator is and hath been deprived of a great part of the Common and waste Ground lying common belonging to the said demised Premises by reason of the inclosing of the said Common and Waste by the said Sir *J. W.* and such as claimed the Reversion of the Premises, Lord or Lords of the Mannor to which the same doth belong, without any consent of your Orator,

or his having his proportionable part of Common set out, and allowed to him in lieu thereof. By reason whereof and of frequent breaches of the Sea and Inundations, the said demised Premisses have been of little value to your Orator, and your Orator much damnified in the said Premisses, and never had any Apportionment of Rent or other satisfaction or allowance made for the same. And although your Orator hath been at so great Charges, and suffered so great Losses, and paid and tendered his Rent as aforesaid, and ought in Equity not only to enjoy the said demised Premisses until the expiration of the said term of eleven years, but also until the end and expiration of the said second term of 21 years, according to the said Covenant and Agreement. And notwithstanding the said Fine paid and received as aforesaid. Yet now so it is; May it please your Lordship, that the said N. S. and E. his Wife, being yet in their minorities and under the said Guardianships or Tuition of the said Sir G. S. Lord Viscount C. and Dame S. his Wife, or one of them, and having gotten all the Deeds, Evidences and Writings into their Custody, have lately delivered several Declarations in Ejectment to your Orators Tenant's of the Premisses in the name of the said Lord Viscount C. Lessee therein to evict your Orator and his Tenants out of Possession of the Premisses. And your Orator farther sheweth that one R. B. Esq. and M. his Wife, and M. A. her Sister, Daughter of Sir T. A. Baronet, do likewise pretend and claim Title to the said Premisses by virtue of some Conveyance thereof to them the said M. and M. A. and their Heirs, or otherwise from the said Sir J. W. or Sir H. W. And they by virtue or colour thereof do likewise demand the Rents, Issues and Profits of the Premisses and an Accompt thereof. And to that end pretend they have made some Entry or Entries upon
your

your Orator to intitle them thereunto, and do threaten that they will also bring Actions of Ejectments, and for the mesne Profits against your Orator; whereas if they have any such Conveyance the same is after the Covenant in the said first Lease to the said J. P. and J. S. for making another Lease for 21 years, and notice thereof or at least after they had heard thereof and of the said Lease. And the said abovenamed persons combining together or to and with divers other persons do so disturb your Orators Tenants in their quiet enjoyment and possession of the Premisses, that they will not pay any Rent unto your Orator by reason of such Disturbances. All which doings are contrary to all Right, Equity and good Conscience. In tender consideration whereof, and for that your Orator's Title is only in Equity, and is utterly remediless at and by the strict Rules of the Common Law of this Land. And your Orators Witnesses which could prove the Premisses are either dead, or gone into parts remote beyond the Seas altogether unknown unto your Orator. To the end therefore that the said Sir G. S. Lord Viscount C. and Dame S. his Wife N. S. Esq; and E. his Wife, R. B. Esq; and M. his Wife, and M. A. may upon their several corporal Oaths set forth whether they do not know, have heard, and do believe there was such Lease made to the said J. P. and J. S. with such Covenant and Agreement therein for a new Lease as is above mentioned. And whether there was not such a Lease made to the said J. T. as aforesaid, or what Lease was made unto him, and by whom, and what Fine or Income was paid for the same, and who received the same. And whether they do not know, or have heard, and do believe that your Orator and those whose interests he claims have not had great quantities of the said Fenny Grounds and his Common, and how much thereof taken

taken away from him or them, and how much, and by whom, and when and whether any Apportionment of Rent or other satisfaction or allowance, and what hath been made to your Orator for, or in respect thereof. And may set forth whether the said Dame S. S. did not receive the said Rent of your Orator during her Widowhood, and the said Lord Viscount C. or his Bailiff or Receiver since their Inter-marriage, and what Rent hath been paid or tendered by your Orator, and to whom, and when, and for whose use such Rent as hath been paid hath been received. And that the said Confederates may set forth what Title they respectively claim unto the said Premises, and by and from whom, and how, and the respective dates and times thereof. And whether they derive not their Titles from or under the Title and Estate of the said Lessors of the said J. P. and J. S. And what Title the said N. S. intends to insist upon at the Tryal of the said Ejectment. And whether he or the said Lord C. have not got the Deeds, Evidences and Writings which would evidence and maintain your Orator's Title and Interest. And when they had first notice or heard of the said Lease made to the said J. P. and J. S. and of the Covenant and Agreement therein for a farther or new Lease thereof for 21 years. And that the said Confederates may answer all and singular the Premises, and what they know or have heard, and do believe in and touching the same and every circumstance thereof, as if the same were again more fully repeated and interrogated. And that your Orator may be relieved therein according to Right, Equity and good Conscience, May it please your Lordship to grant unto your Orator his Majesty's Process of *Subpena* to be directed to them the said Sir G. S. Lord Viscount C. and Dame S. his Wife, N. S. and E. his Wife, R. B. and M. his Wife, and the said M. A. thereby commanding them, &c.

Owen Feltham.

A

A Bill brought by one who was Security for a Prisoner, against the Marshal of the King's Bench, for entring up Judgment of 500 l. against him, and assigning the same over as Security to another, upon pretence of an Escape, whereas in truth there was no Escape committed.

To the right Honourable *Edward* Earl of *Clarendon*, Lord Chancellor of *England*.

Humbly complaining sheweth unto your Honour your Orator *T. M.* Esq; that your said Orator did become bound together with one *G. E.* and one *F. G.* on or about the twelfth day of *July* in the year of our Lord one thousand six hundred fifty and nine, in one Bond of five hundred pounds or thereabouts, unto Sir *J. L.* Knight with Condition that the said *G. E.* should be and continue a true Prisoner unto the said Sir *J. L.* during the time of his Imprisonment until he should be thence-from lawfully discharged, the Condition of which Bond is as followeth in these words, (or words to this effect) The Condition of this Obligation is such, That if the above bound *G. E.* now Prisoner in the Prison of the Kings Bench in *Southwark*, do and shall from henceforth remain, be and continue a true Prisoner in the custody, guard and safe keeping of the above-named Sir *J. L.* Knight, Marshal of the same Prison, and in the custody, guard and safe keeping of his Deputy, Officers and Servants, or some, or one of them, until he shall be lawfully discharged, without committing any manner of Escape or Escapes, during the time of his restraint; then this present Obligation to be void and of none effect, or else to be and remain in full power, force and virtue. And your Orator farther sheweth unto your Honour, that at the same time he your said Orator, did together

gether with the said *G. E.* and *F. G.* sign, seal and deliver one other Bill or Writing, wherein he was bound to the said Sir *J. L.* in thirty pounds, with Condition that the said *G. E.* should pay unto the said Sir *J. L.* three shillings and three pence every Week for his Chamber-rent during his Imprisonment: And your Orator together with the said *G. E.* and *F. G.* did also at the same time seal and deliver one other Writing in the nature of a Warrant of Attorney, to confess a Judgment upon the said Bond of eight hundred pounds, with several Clauses therein mentioned, that if the said *G. E.* should make an escape out of the Custody of him the said Sir *J. L.* his Deputies or Servants, and that the said Sir *J. L.* was thereby damnified, that then it might be lawful for him the said Sir *J. L.* by his Attorney, to enter up Judgment against your Orator, and the said *G. E.* and *F. G.* severally. Now so it is, May it please your Honour, that one *A. F.* under the pretence of an Escape of the said *G. E.* (as your Orator is informed) hath brought a Bill or Declaration against the said Sir *J. L.* for an hundred twenty seven pounds Debt and Costs of Suit, to which Bill or Declaration is pleaded a fresh pursuit and re-taking, and no farther proceedings thereupon had. And since that time the said *A. F.* by Connivance, Subtilty, Fraud and Cunning, hath gained and persuaded the said Sir *J. L.* to make and assign over to him and to his Use the said Bond and Judgment of five hundred pounds or thereabouts, contrary to Equity and good Conscience, and to the utter Ruin of your Orator without the favourable relief of this honourable Court. And your Orator farther sheweth unto your Honour, that in all such cases, where the said Sir *J. L.* is sued as Marshal, for the Escape of any Prisoner, it is and hath been the Custom of the said Sir *J. L.* to permit and suffer the Prisoner, or his Security, to defend

defend the same, and no Security to be assigned before Verdict and Judgment obtained against him the said Sir *J. L.* as Marshal of the said Prison; And your Orator did desire and request the said Sir *J. L.* that he might have liberty to defend him in that Suit brought against him by the said *A. F.* and did offer that if the said Sir *J. L.* were cast, then your Orator would pay and discharge all such Mony as the Court should adjudge against him, all which your Orator hopeth to prove. And for that your Orator can have no Relief but in this honourable Court against the said Judgment, most wrongfully and unjustly entred up. And your Orator doth aver, that all Charge and Cost of Suit hath been paid by *G. E.* the Prisoner, by your Orator's Order, and that the said *A. F.* hath given to the said Sir *J. L.* a discharge (all and every the truths and certainties in this Bill alledged, his Witnesses that could prove all and singular the Premisses being dead, or in remote places, unknown to your Orator) For a relief in the Premisses, to the end the said Sir *J. L.* and *A. F.* and either of them, may upon their severall and respective corporal Oaths, answer all the matters and things in this Bill charged. And may set forth when the Escape was made, and how long since a Declaration was brought against Sir *J. L.* and whether the said *G. E.* was not brought into Prison by one of Sir *J. L.* his Servants since that time; And whether the said *G. E.* be not now in Prison under the Custody of Sir *J. L.* at the Suit of *A. F.* And whether a fresh pursuit was not pleaded upon that Accompt by Sir *J. L.* his own Order; And whether it is and hath been a Custom for Sir *J. L.* to allow the Prisoner or his Security, to defend any Suit brought against Sir *J. L.* And whether your Orator did not desire to have that Liberty, and what Sir *J. L.* is or was dampnified before he assigned over your Orators Security; And

And whether Mr. *H. F. Sir J. L.* his Attorney was not paid all his Fees for defending the Suit by *G. E.* the Prisoner: And whether the said *A. F.* hath not released and discharged the said *Sir J. L.* of and from all and all manner of Escape or Escapes of the said *G. E.* and what consideration *Sir J. L.* or any to his use, had or is to have for assigning over the use of *A. F.* your Orators Bond and Judgment, or Warrant of Attorney to confess Judgment. And to the end the Truth may more plainly appear, it is humbly prayed, that all the Writings in the Bill mentioned may be brought into this honourable Court, May it please your Honour to grant unto your Orator the King's gracious Writ of *Subpœna* directed unto the said *Sir J. L.* and *A. F.* and either of them, commanding them, &c.

A Bill to recover a Legacy.

Drawn by Sir *Henry Beddingfield*, late Lord Chief Justice of the Common-Pleas, all with his own Hand.

To the Right Honourable *Francis Lord North*, Baron of *Guilford*, Lord Keeper of the Great Seal of *England*.

Humbly complaining sheweth unto your Honour your Orator and Oratrix *J. G. of L. Goldsmith*, and *M.* his Wife, one of the Daughters of *R. W.* late of *W.* in the County of *S.* deceased; That the said *R. W.* being in his Life time seised in his Demesne, as of Fee of and in several Messuages, Lands and Tenements scituate, lying and being in *W.* aforesaid. And being likewise seised to him and his Heirs of and in several other Messuages, Lands and Tenements, scituate, lying and being in *W.* aforesaid, holden by Copy of Court Roll of the Manor of

W. late Priory, or of some other Manor or Manors near adjacent; and having surrendred the said Copyhold Premisses to the use of his Will according to the Custom of such Manor or Manors. And being so seised on or about the fourteenth day of *August* in the year of our Lord God 1659. did make his last Will and Testament in writing, and thereby amongst other things did devise all his Houses and Grounds to the use of *M. J.* his Sister, during the term of her Life. And did farther will and bequeath all his forementioned Houses and Grounds to be sold by his Executor to the best advantage for the raising of Portions for his Children. And of his said Will did appoint the said *M. J.* his sole Executrix, and soon after the said *R. W.* departed this Life, being seised of the said Premisses at the time of his Death as aforesaid. After whose decease the said *M. J.* in due form of Law proved the said Will, and took upon her self the burthen and execution thereof. And at a Court-Baron holden for the said Manor upon the one and twentieth day of *August* in the year of our Lord God 1660. the said *M. J.* was admitted to so much of the said Premisses as were Copyhold to hold to her according to the form of the said last Will and Testament, and entred into and upon all the said Premisses, and became seised thereof accordingly. And the said *R. W.* having left at the time of his death four Children, (that is to say) your Oratrix *M. T. R.* and *S. W.* she the said *M. J.* in pursuance to the authority given her by the said Will, did make Sale of the Reversion of the said Premisses expectant after her death to the said *R. W.* one of the Sons aforesaid, or to one *J. P.* of *W.* aforesaid, for two hundred pounds or some other great Sum; and out of the said Purchase-Mony she the said *M. J.* did pay unto the said *S. W.* the Sum of forty pounds as her proportion of the said Purchase-Mony; and did

did likewise pay unto your Oratrix the Sum of 20*l*. in part of her dividend and proportion thereof. And your Orator and Oratrix farther shew that the said *M. J.* about a year since departed this Life, having made her last Will and Testament, and the said *R. W.* sole Executor thereof, not having paid unto your Oratrix her full proportion of the said Purchase-Mony, nor paid unto the said *T. W.* any part thereof. And the said *T.* about twenty years since dying intestate, Administration of his Goods and Chattels, Rights and Credits in due form of Law was committed and granted to your Oratrix; by reason whereof your Oratrix is rightly intituled to the share and proportion of the said *T. W.* of the said Purchase-Mony; and the same ought to be paid to your Oratrix by the said *R. W.* in whose Hands so much of the said Purchase-Mony was left in Trust to satisfy your Oratrix what remains of her proportion thereof, and also to satisfy the part and proportion of the said *T. W.* And your Orator and Oratrix have often requested the said *R. W.* to pay the said several Sums to your Oratrix, which he refuses to do, sometimes pretending that the said *R. W.* made no such Will, and at other times alledges, though he did make such Will and grant such authority to the said *M. J.* to sell the said Premises, yet she never in truth did make any Sale thereof to him or to any other person, and confesses that he hath entred into and holds the Possession of the Premises, as Heir at Law, to his Father the Testator, whereas in truth if the said *M. J.* did not make Sale of the Premises according to the direction of the said Will, so as the said *R. W.* is seised of the said Premises; yet nevertheless the said Testator having devised the said Premises to be sold for the purposes aforesaid, the said Trust (notwithstanding the death of the said *M. J.*) continues; and the said *R. W.* ought to make Sale

W. late Priory, or of some other Manor or Manors near adjacent; and having surrendered the said Copyhold Premises to the use of his Will according to the Custom of such Manor or Manors. And being so seised on or about the fourteenth day of *August* in the year of our Lord God 1659. did make his last Will and Testament in writing, and thereby amongst other things did devise all his Houses and Grounds to the use of *M. J.* his Sister, during the term of her Life. And did farther will and bequeath all his forementioned Houses and Grounds to be sold by his Executor to the best advantage for the raising of Portions for his Children. And of his said Will did appoint the said *M. J.* his sole Executrix, and soon after the said *R. W.* departed this Life, being seised of the said Premises at the time of his Death as aforesaid. After whose decease the said *M. J.* in due form of Law proved the said Will, and took upon her self the burthen and execution thereof. And at a Court-Baron holden for the said Manor upon the one and twentieth day of *August* in the year of our Lord God 1660. the said *M. J.* was admitted to so much of the said Premises as were Copyhold to hold to her according to the form of the said last Will and Testament, and entred into and upon all the said Premises, and became seised thereof accordingly. And the said *R. W.* having left at the time of his death four Children, (that is to say) your Oratrix *M. T. R.* and *S. W.* she the said *M. J.* in pursuance to the authority given her by the said Will, did make Sale of the Reversion of the said Premises expectant after her death to the said *R. W.* one of the Sons aforesaid, or to one *J. P.* of *W.* aforesaid, for two hundred pounds or some other great Sum; and out of the said Purchase-Mony she the said *M. J.* did pay unto the said *S. W.* the Sum of forty pounds as her proportion of the said Purchase-Mony; and did

did likewise pay unto your Oratrix the Sum of 20*l*. in part of her dividend and proportion thereof. And your Orator and Oratrix farther shew that the said *M. J.* about a year since departed this Life, having made her last Will and Testament, and the said *R. W.* sole Executor thereof, not having paid unto your Oratrix her full proportion of the said Purchase-Mony, nor paid unto the said *T. W.* any part thereof. And the said *T.* about twenty years since dying intestate, Administration of his Goods and Chattels, Rights and Credits in due form of Law was committed and granted to your Oratrix; by reason whereof your Oratrix is rightly intituled to the share and proportion of the said *T. W.* of the said Purchase-Mony; and the same ought to be paid to your Oratrix by the said *R. W.* in whose Hands so much of the said Purchase-Mony was left in Trust to satisfy your Oratrix what remains of her proportion thereof, and also to satisfy the part and proportion of the said *T. W.* And your Orator and Oratrix have often requested the said *R. W.* to pay the said several Sums to your Oratrix, which he refuses to do, sometimes pretending that the said *R. W.* made no such Will, and at other times alledges, though he did make such Will and grant such authority to the said *M. J.* to sell the said Premises, yet she never in truth did make any Sale thereof to him or to any other person, and confesses that he hath entred into and holds the Possession of the Premises, as Heir at Law, to his Father the Testator, whereas in truth if the said *M. J.* did not make Sale of the Premises according to the direction of the said Will, so as the said *R. W.* is seised of the said Premises; yet nevertheless the said Testator having devised the said Premises to be sold for the purposes aforesaid, the said Trust (notwithstanding the death of the said *M. J.*) continues; and the said *R. W.* ought to make Sale

of the said Premisses, and distribute the Purchase-Mony among the Children of the Testator according to the direction of the said Will, or ought to pay the Value of the said Premisses to the said Children, and particularly such part and proportion thereof as your Oratrix claims in her own Right, and as Administratrix of the said *T. W.* her Brother, which the said *R. W.* utterly refuses to do although he hath been oftentimes requested by your Orator and Oratrix. All which actings of the said *R. W.* tend to the great Loss and Damage of your Orator and Oratrix, and are contrary to Equity and Conscience. In consideration whereof, and forasmuch as your Orator and Oratrix have no means to relieve themselves in the Premisses, but by the aid and assistance of this honourable Court, which gives Relief against Breaches of Trust. To the end therefore the said *R. W.* may true Answer make to the Premisses, and may set forth the last Will and Testament of the said *R. W.* the Father *in hæc verba*; and may set forth whether the said *M. J.* did sell the said Premisses, or any part, or what part thereof to him the said *R. W.* the Son, or to any other person to his knowledge, and to whom and when, and for how much Mony, and what Contract or Agreement was made between him or any other person and the said *M. J.* touching and concerning the Sale thereof, and when and to whom the said Purchase-Mony was to be paid, and if any part of the said Purchase-Mony was paid to any of the Children of the said *R. W.* the Testator, and to which of them, and how much and when the same was paid. And may set forth by what Right or Title he or any other person or persons hold the said Premisses, and how long they have enjoyed the same with the true yearly Value thereof, and what the same are worth to be sold, and of what Manor or Manors the same are holden,
and

and that the said *R. W.* may discover if any part of the Purchase-Mony remain in his or any other persons in trust for your Oratrix, and the said *T. W.* and how much for them respectively, and may be decreed by this honourable Court to pay the same to your Oratrix. And in case the said Premises were not sold by the said *M. J.* that then the said *R. W.* may be ordered to make Sale thereof, and pay to your Oratrix her share and proportion, and the share and proportion of the said *T. W.* of the said Purchase-Mony, or otherwise to pay to your Oratrix the said shares and proportions of the Value of the said Premises. And that your Orator and Oratrix may have such relief in the Premises as is agreeable to Equity, May it please your Honour to grant to your Orator and Oratrix his Majesty's Writ of *Subpœna*, &c.

Beddingfield.

A Bill to be relieved against a Guardian to vacate a Judgment which is satisfied; and against a Solicitor (who confederating with the Guardian) vexes the Plaintiffs with an unjust Bill of Charges.

Perused by Sir *Ambrose Philips* Serjeant at Law.

To the Right Honourable *Francis*, Lord *Guilford*,
Lord Keeper of the Great Seal of England.

Humbly complaining sheweth unto your good Lordship your daily Orator and Oratrix *M. W.* of *D.* in the County of *B. Gent.* and *M.* his Wife. That whereas *W. Ll.* your Oratrix's late Father deceased of *M.* in the Parish of *L.* in the County of *C. Gent.* was in his Life time, that is to say, on or about the year of our Lord God 1648. seised in his Demesne as of Fee, or of some other good Estate

of Inheritance of and in the Capital Messuage called *M.* aforesaid, and also of several other Messuages, Lands and Tenements in the several Parishes of *LL. B.* and *LL.* in the said County of *C.* and also of and in the Capital Messuage, Lands and Tenements called *LL. A.* and other Lands and Tenements, situate in the Parish of *LL.* in the County of *G.* of the yearly Value of 160 *li.* beyond Reprizes. And being so seised about the time aforesaid was intermarried with *M.* one of the Daughters of *T. M.* of *LL. B.* in the Parish of *LL.* and County of *C.* Esq; since deceased by whom the said *W.* had Issue two Daughters, to wit, your said Oratrix and *K.* now Wife to *P. P.* of the Parish of *A.* in the said County of *C.* And the said *W. LL.* shortly after died so seised of the aforesaid Premises, and thereupon the Premises descended and came to your said Oratrix and the said *K.* as Daughters and Co-heirs of the said *W. LL.* who being then Infants of very tender years, the said *M.* in their right entred into and possessed her self of the Premises, and for several years received the Rents, Issues and Profits thereof, and whilst she was in such Possession was married to *R. W.* now of *A.* in the County of *B.* Gent. who in right of your said Oratrix and the said *K.* and as their Guardian into the said Premises entred, and for several years received all and singular the Rents, Issues and Profits thereof, and converted the same to his own use refusing to give to your said Oratrix, or to the said *K.* any accompt thereof, or to make them any reasonable allowance thereout for their support and maintenance. Whereupon for their redress therein they made their application to *W. M.* of *LL. B.* aforesaid Gent. who being their Uncle, to wit, their Mothers Brother, did (as he pretended) commiserate the distressed Condition of your Oratrix and the said *K.* and being by their said late Fathers Will appointed

to be their Guardian, did exhibit a Bill in this honourable Court as Guardian for and in the Right and Names of your Oratrix and the said K. against the said R. W. and M. his Wife, to compel them to give an account of the Profits of the Premises, and to make Provision for the Support, Maintenance and Education of your said Oratrix and her Sister. And for the better and more effectual prosecution of the Suit the said W. M. did imploy R. B. of ----- in the County of M. Gent. who then and ever since hath acted as a Solicitor in this Court to manage and sollicite the said Cause : And within some short time afterwards the said W. M. pretending that much Mony had been expended, and much more would be disbursed in order to the carrying on of the said Suit. For his Security therein he did prevail with your Oratrix and the said K. some time before they attained their full Age to give him one Bond or Obligation of the Penalty of two hundred and forty pounds conditioned for the payment of one hundred and twenty pounds at some certain day there to come and now long since past, and also to seal and execute a Warrant of Attorney to confess Judgment in his Majesty's Court of Exchequer at *Westminster* in an Action of Debt of two hundred pounds, he then faithfully promising (and so the Defeazance or Condition of the said Judgment and Bond is or ought to have been exprest) that both the said Securities were given for no other end than that thereby he might be in a capacity to recover what Mony he should expend in the prosecution of the said Suit, and that the same should be void and of none effect as against your Oratrix in case she or any for her should pay or cause to be paid one Moiety of the necessary Charges incident to the said Suit, as in and by the said Defeazance and Condition (relation being thereunto had) may more fully appear, and to which for greater

certainly your Orator and Oratrix do refer themselves. And after the said *W. M.* had obtained such Securities as aforesaid your said Oratrix and her Sister did at one time pay or cause to be paid the Sum of fifty pounds, and at several other times did pay or cause to be paid several other Sums which did amount to fifty pounds more at the least, which Sums were paid to the said *W.* before the Marriage of your said Orator and Oratrix; and he received the same in or towards the discharge of what Monies the said *W. M.* and *R. B.* or either of them could justly demand of and from your said Orator and Oratrix and the said *K.* or either of them: Or however your said Orator and Oratrix by the aforesaid payments have paid and satisfied their full share and proportion of the Charges of the said prosecution, and they ought to be acquitted and discharged thereof, and be protected and saved harmless against the said Bond and Judgment. And accordingly the said *W. M.* did at the time of your Orator's last payment declare and promised to release your said Orator and Oratrix, and to deliver to them all the Deeds, Evidences, Writings and Copies of all the Proceedings relating to the Premises: But now so it is, May it please your good Lordship, that the said *R. B.* pretending that the said *W. M.* hath not paid him his full and just Demands, hath for Recovery of the Remainder of his pretended Debt, petitioned the honourable the Master of the Rolls to have it referred to one of the Masters of this honourable Court to take the Account between him and the said *M.* and having obtained an Order thereon hath in pursuance thereof brought before Sir *M. C.* Knight, one of the Masters of this Court, a Bill of his particular Demands both for Fees and Disbursements, which amounts to ----- And the better to carry on a design to wrong your Orator and Oratrix the said *B.*
and

and *M.* by collusion between themselves do manage the matters referred to the said Master with a design and in order to load your Orator with a great Sum of Mony when in truth there is nothing really due to the said *B.* And the said *M.* doth threaten to take out Execution upon the said Judgment against your Orator for Recovery of the said *B.*'s Demands, pretending (though untruly) that the same are over and besides such Fees and Disbursements, which your said Orator and Oratrix or the said *M.* or some other in behalf of your Oratrix and her Sister had discharged in manner as aforesaid, whereas they well know that all Demands whatsoever that they or either of them can make from your said Orator and Oratrix are fully satisfied and paid to the said *W. M.* who therewith promised and stands obliged to pay off and satisfy the said *B.*'s Demands, but he refuseth so to do, designing by virtue of the aforesaid Bond and Judgment to make your Orator liable to pay what the said *B.* shall recover, and permits the said *B.* to proceed for the Recovery of his Demands without any manner of opposition purposing to make your Orator and Oratrix in respect of the aforesaid Judgment responsible for the same: For that the said *M.* and *B.* do well know (and so the truth is) that in the said Charge or Bill of particulars brought before the said Master, the said *B.* hath made several Demands for Fees and Disbursements when there was no Business in agitation nor any Mony disbursed, and in other places hath very much overcharged the said *M.* for Fees pretended to be paid to Council, for that the said Cause being many years depending in this honourable Court, and the said *W.* having appeared very vexatious and put your Oratrix and her Sister to great delay and charge, which tended almost to their utter ruin, they were by the said *B.* admitted to sue *in forma pauperis*, or however the Council,

Council, which the said *B.* pretended and his Bill hath charged to receive several considerable Fees, did so far commiserate the distressed and miserable Condition of your Oratrix and the said *K.* (who for great part of the time, whilst the said Cause was in prosecution, had not wherewith to subsist or carry on the said Suit but the Charity and Benevolence of their Friends from whom they received the Monies paid to the said *W. M.*) that the said Council neither did nor would receive such large Fees as the said *B.* hath charged the said *M.* with. And for such the said Kindness and Charity of the said Council your Orator hath since his said Marriage made his grateful acknowledgments to them; and the said *B.* hath also charged divers Sums and Fees incident to the bringing on Exceptions put in by the said *W.* to a Report made in the said Cause by Sir *T. E.* Knight, late one of the Masters of this Court, when by agreement between him and the said *W.* the arguing of the said Exceptions was put off from time to time and were never argued till Easter Term last, which was done at your Orator's Charge, so that there was not or ought not to have been any thing paid in respect thereof; yet nevertheless he hath brought to accompt and charged in respect thereof no less than forty pounds or some such Sum. And in many other particulars the said *B.* hath made very extravagant and unreasonable Demands, which the said *M.* is very sensible of, but doth connive thereat, he and the said *B.* purposing to share and divide between themselves all such Monies as they shall by their aforesaid proceedings get allowed in this honorable Court for the said *B.*'s Fees and Disbursements. And the said *W. M.* doth refuse to demand of the said *P. P.* and *K.* his Wife any Sum of Money for or towards the discharge of his pretended Demands, although he well knows that your Orator hath paid
more

more than his share and proportion of the said Charges, and in truth more than in Justice or Reason they do in all amount to, and is ready to pay the Remainder (if any there be) which shall appear upon a fair and just Accompt, provided he may have an Assignment of the said Bond and Judgment to the end he may have the liberty of putting the same in Suit against the said P. and his Wife to reimburse himself the share and proportion of those Charges which they ought to pay: But the said Confederates refuse to come to any Accompt with your Orator, although he is ready and desirous so to do, but they would put the whole Burthen and Charge upon your Orator contrary to all Equity and good Conscience. In tender consideration whereof, and forasmuch as your Orator and Oratrix are wholly remediless in the Premises the same being matters of Discovery known only to the said Confederates, or the Witnesses that should prove the truth thereof are dead, gone beyond Seas, or into places remote and to your Orators unknown or so aged and infirm that no benefit can be had of their Testimony at any Tryal at Law: To the end therefore that the said Confederates may as fully answer all and singular the Premises as if the same were here again repeated, and particularly interrogated, and more particularly that the said R. B. may set forth what Sum and Sums of Mony he hath received at any time, and when, and from whom, for, in or towards the discharge of the Monies to him due for his Fees and Disbursements; and may give a true and just accompt of all his Demands, and whether he hath not received more than or as much as is justly due to him; and whether he hath not in any and what particular or particulars mentioned in the Bill or Charge produced before the said Master over-reckoned, or charged any and what Sum or Sums of

of Mony more than his just due, and whether he hath actually paid all and every the Fees, Sum and Sums of Mony which he hath mentioned or charged in and by the said Bill to be paid by or due to him or how otherwise the same became due. And that the said *W. M.* may upon his corporal Oath discover what Sum or Sums of Mony he or any for him, and who by Name have or hath at any time, and when, and of whom received which was paid or satisfied or ought to be applied for or towards the satisfaction or discharge of the said *B.*'s Demands, and how the same, or any, and what part thereof hath been applied, and when, and for or upon what accompt or consideration the said Bond and Judgment, or either, and which of them were or was had or obtained. And to the end that he and the said *P. P.* and *K.* his Wife, may shew cause, if any they can, why the said Bond and Judgment should not be assigned to your said Orator, if he already hath paid or hereafter shall pay off and discharge the said *M.*'s Demands. And in the mean time that all Proceedings, both at Law and in this Court, for recovery of the Monies secured by the said Bond and Judgment, or either of them, or for the said *B.*'s Fees and Disbursements may be stayed, and your Orator and Oratrix be relieved according to Equity and good Conscience: May it please your good Lordship, the Premisses considered, to grant to your Orator and Oratrix his Majesty's most gracious Writ of *Subpœna* directed to the said *W. M.* *R. B.* *P. P.* and *K.* his Wife, commanding them,
&c.

Ambr. Philips.

A Bill of Review.

The State of the Question upon a former Bill brought for Dower, which was decreed to the Plaintiff; with the Reasons and Arguments in Law for the Defendant's having a Bill of Review, and for the reversing the said Decree.

Drawn by Sir John Churchill, late Master of the Rolls.

To the Right Honourable, the Lords Commissioners for the great Seal of *England*.

Humbly complaining shew unto your Honours your Orators *J. R.* and *M.* his Wife, That whereas in the Term of *Easter* in the year of our Lord one thousand six hundred and fifty, *L. F.* and *I.* his Wife, the Relict of *H. R.* the younger deceased, exhibited their Bill of Complaint into this Honourable Court against *H. R.* the elder, *A.* his Wife, and your Orators and *T. C.* Esq; thereby declaring, that the said *H. R.* Father of the said *H. R.* the Complainant *I.*'s late Husband about twelve or fourteen years then last past before the exhibiting the said Bill prevailed with her said late Husband to become bound with him in several Recognizances, Statutes, Bonds and Specialties to several Persons for great Sums of Mony, part of which the said then Complainants late Husband was compelled to pay with his own Monies, and for the discharge of the residue of the Engagements, or the greater part of them, the said *H. R.* the Father, importuned *H.* the Son to join in Sale of certain Lands in the Parish of *T.* in the County of *Y.* of the value of 300 *l.* per annum, and certain Lands in *F.* in the same County of the yearly Value of 140 *l.* the Remainder thereof expectant upon
H,

H. the Father's Death was by the settlement of the said then Complainants late Husbands Grandfather to descend to *H.* the younger, in Fee or Fee Tail, which the said then Complainants late Husband being unwilling to do, *H.* the Father to induce him thereto, promised and protested to the said then Complainants late Husband, that he would settle on him and his Heirs in present Possession all that his Manor at *B.* with its Rights, Members and Appurtenances; and the Rectory or Impropriation of *S. alias S.* with the Appurtenances; and all those Lands in *H. alias H. B. alias B. S.* and *R.* in the said County; and all that Capital Messuage or Tenement with the Appurtenances, and all Lands arable, Meadow or Pasture therewith used scituate within the said Manor of *B.* and all other his Lands, Tenements and Hereditaments with the Appurtenances lying within the Township, Fields or Territories of *B.* aforesaid in the same County containing one thousand eight hundred Acres, being of the yearly value of 400 *l.* or thereabout, of which said Manor and Premisesthe said *H.* the Father was seised in Fee, whereupon the said *H.* the Son, joined in Sale of the said Lands so settled on him; and the said *H.* the Father, about nine or ten years then last past before the Bill exhibited accordingly sealed and delivered a Deed indented purporting a Conveyance of the said Manor of *B.* and all other the Premisses to *H.* the Son and his Heirs; but before the same received due Execution either by Livery of Seisin, Attornment of Tenants or Inrolment, the said *H.* the Father, fell into trouble upon a suspicion of his counterfeiting a Warrant from his late Majesty for making a Baronet, and being therefore under restraint your Orator then Defendant *J. R.* Son of the said *H.* the elder and *M.* his Wife, combining with the said Defendant *C.* to defeat the then Complainants late Husband of the said Manor and Premisses,

misses, persuaded the said *H.* the Father, he was in some danger by reason of the Accusation against him to lose all his Estate, if not his Life; and therefore advised him to settle the said Manor of *B.* and all or the greatest part of other the Premises on your Orator the said *J.* and his Heirs, assuring him that your Orator the said *J.* should take no advantage thereby, but would by some Deed declare that he was seised thereof in Trust for the then Complainants late Husband and his Heirs, on whom they well knew the same was intended by the said *H.* the Father, to be settled as aforesaid; unto which persuasions the said *H.* the Father, for the better securing the said Lands for his Son, yielded, and accordingly by Deed did upon no other consideration than aforesaid convey the Premises to your Orator the said then Defendant *J.* and his Heirs, who faithfully promised (as was pretended) shortly after to declare the Trust thereof to be to the said *H.* the Son, and his Heirs as aforesaid: And that the said Defendant *C.* being a Counsellor at Law had direction given him to draw such Declaration, and promised he would prepare it in some short time after. And that the said *H.* the elder, being afterwards freed from his Troubles and restored to his Liberty, minding the performance of his Promise for settling the Manor, Rectory and Premises on the said then Complainants late Husband, that the Conveyance so made to your Orator, the said *J. R.* was of no effect, and delivered up to him and cancelled, or that by some Conveyance from your said Orator to him the Fee simple was in *H.* the Father, did by a Common Recovery in the Common Pleas, and by some Deed or Deeds declaring the Uses thereof convey to the said then Complainants late Husband and his Heirs the said Manor of *B.* and all other the Premises by him agreed to be settled on the said *H.* the younger, and his Heirs,

Heirs, on the Sale of the said Lands for discharge of the Debts as aforesaid: By virtue whereof the said then Complainants late Husband became seised in Fee of the said Manor and Premisses, and received the Rents and Profits thereof, and about *May* 1647. dyed so seised, and the said then Complainant *Isabella* became entituled to her Dower in all the said Manors and Premisses, and afterwards married the other Complainant *L. F.* who in her Right ought to have enjoyed the same. And the said Complainants in and by the said Bill also shewed that the said then Defendants having gotten all the Deeds and Writings concerning the said Manor and Premisses into their or one of their Hands, or into the Hands and Possession of some other to their Uses, or by their privity or direction without producing of which they well knew the then Complainants Title of Dower could not be manifested, did by combination pretend that the Conveyance made to your Orator the said then Defendant *J.* as aforesaid, was an absolute Conveyance to your said Orator and his Heirs, not subject to the Trust aforesaid, though they well knew (as was pretended) the same was made for the reasons aforesaid, as was by your said Orator *J.* to be declared to be in Trust for the said then Complainants late Husband and his Heirs, and that the said Deed had been since delivered up to the said *H.* the Father, and his Heirs. And that the said then Defendant had made secret Estates and incumbred the Premisses by entring into Statutes or Recognizances, and acknowledging of Judgments, and had caused the Premisses to be extended upon some of them albeit if any such Judgment, Statute or Recognizance were entred into, the same was subsequent to the Estate made to the said Complainants late Husband, or else the same was wholly or most part satisfied, and that by such means the then Complainant *I.* was likely

likely to be deprived of her Dower. Therefore that the said then Defendants might set forth upon what consideration the Conveyance to your Orator the then Defendant *J.* was made, and whether not intended in Trust for the said then Complainants late Husband, and whether a Deed was not directed to be drawn by the said then Defendant Mr. C. for that purpose; and whether the said Deed made to your Orator the then Defendant *J.* were not since in the said *H.* the elders Hands, who cancelled the same; and what Conveyance or Settlement before or after the said Conveyance to your Orator *J.* *H.* the Father, made to *H.* the Son; and what Deeds or Writings any of them had in their Hands, and what secret Estates they had made, and what Incumbrances were in the Premisses, and when the Judgments were acknowledged, or the Statutes or Recognizances entred into, and how much was unsatisfied of the Monies due thereupon, and to be relieved in the Premisses the then Complainants craved the aid of this Court. And that Process of *Subpœna* might be awarded against the said then Defendant to appear and answer the Premisses, which being granted, and the said then Defendants therewith served they the said then Defendants *H. R.* and his Wife, and your Orator *J. R.* and his Wife put in their joint and several Demurrer and Answers: To which Answers the said then Complainants, replied, and Issue being joined divers Witnesses were examined in the said Cause, and their Depositions published; as by the said Bill, Answers, Replication and Depositions of Witnesses, all of them remaining upon Record in this honourable Court more at large appeareth. And that the said Cause coming to be heard upon the 19th of May 1650. upon the hearing and debating of the matter in question between the said parties in the presence of Council learned on both sides the sub-

stance of the then Complainants Bill appeared to be, That *H. R.* Father of *H. R.* late Husband of the then Complainant *I.* procured the said *H.* the Son, to join in Sale of certain Lands in the Parish of *T.* and certain Lands in *F.* in the County of *T.* which by a Settlement made by the Grandfather of the said *H.* the Son, were to descend to the said *H.* in Fee Tail, and thereupon the said *H.* the Father, promised to settle on *H.* the Son, and his Heirs, the Manor of *B.* with the Appurtenances and several other Lands in *T.* to the yearly value of 400 *l.* and accordingly a Deed was prepared, sealed and delivered, whereby the said *H.* the Father, did convey the said Manor with the Appurtenances to the said *H.* and his Heirs, but before the same was executed the said *H.* fell into troubles upon suspicion for counterfeiting of a Warrant from his late Majesty for making a Baronet, and being under restraint the said then Defendant procured *H.* the Father, to settle the said Manor of *B.* with the Appurtenances upon your Orator the said *J.* and his Heirs, assuring him that your Orator the said *J.* should by some Deed declare that he was seised thereof in Trust for the said *H.* the Son, and his Heirs, and that afterwards the said *H.* the Father, being freed did by Fine and Recovery, and a Deed declaring the Uses thereof, settle the said Manor with Appurtenances upon the said *H.* the Son, and his Heirs by virtue whereof the said *H.* the Son, and his Heirs became seised, and in *May*, 1647. he dyed: By and after whose Death the said then Complainant *I.* late Wife of the said *H.* was intitled to her Dower in all the Premises. But the said then Defendants having got all the Deeds concerning the Premises did deny that the Conveyance made to your said Orator *J.* was in Trust, but that the same was an absolute Conveyance. So as to discover the said Trust and set aside the said Deed

to your Orator *J.* which was made without any consideration, and that the Complainant might have her Dower out of the Premises was the Scope of the Complainants Bill: But it was insisted on by the then Defendants, that your Orator *J. R.* by Answer denied that the said Lands were settled on him in Trust, and if the same were, yet the then Complainant could not have any Dower therein her Husband *H. R.* having only an equitable Right. This Court notwithstanding being satisfied of the Trust thereupon did think fit and so order, that the then Complainant should attend their Lordships with Presidents where Relief had been given in Cases of like nature, who would be pleased to advise thereof and give such Order as should be meet. After which upon opening of the matter the tenth day of *July* 1652. unto your Lordships by Mr. *W.* and Mr. *C.* being of the then Complainants Council, in presence of Mr. *C.* being of your Orator the then Defendants Council, and upon producing of the aforesaid Order of the ninth of *May* whereby the Case was stated, and the then Complainant to seek out Presidents, where relief had been given in Cases of like nature. Forasmuch as it was then alleged that the Cause was not rightly stated in the said Order, so as no Presidents would be found in like Case as the same was stated, your Lordships did order, That Mr. *C.* and Mr. *C.* of Council with the parties should agree of a Case, and that the same should be presented to your Lordships some time the beginning of the then next Term, and then such Order should be made therein as should be fit. And afterwards upon opening of the matter unto this Court the 11th day of *December*, 1653. by Mr. *C.* being of the then Complainants Council, in the presence of Mr. *C.* being of your Orators the then Defendants Council, and upon producing of the aforesaid Order of the tenth of *July*, and the

Cafe made and agreed upon by Council on both sides: In pursuance whereof their Lordships did order that the matter should be set down to be heard the first sitting of Causes after the then next Term, of which the other side was to have notice, and their Lordships were to be attended with the Cafe in the mean time. And the Cause standing in the Paper to be heard the sixth day of *May* last past upon the Cafe stated by Mr. C. and Mr. C. in pursuance of the said Order of the 11th of *December* in the presence of the then Complainants Council, none attending for the then Defendant. The Substance of the said Cause so stated appeared to be, That the then Defendant *H. R.* had Issue *H.* his eldest Son, the then Complainant *I.* her former Husband, and your Orator's then Defendant *J.* and that *H.* the Father, became indebted to several persons, and to discharge those Debts he procured *H.* his Son, to joyn with him in the Sale of certain Lands in the County of *T.* which were after *H.* the Fathers Death to descend to *H.* the Son, from his Grandfather as Heir in Tail to him in consideration whereof he promised to settle on *H.* the Son, and his Heirs the Manor of *B.* in the County of *T.* and accordingly *H.* the Father, sealed and delivered a Deed to *H.* his Son, but before the same was executed some Troubles fell out upon *H.* the Father, about counterfeiting a Warrant from the late King for a Baronetship, thereupon he was persuaded by the then Defendants your Orators *J.* and *C.* to convey *B.* to your Orator *J.* and his Heirs to secure it from any Forfeiture or Trouble that it might be subject unto in regard of *H.* the Fathers being questioned as aforesaid. And that in the year 1642. *H.* the Father, conveyed to your Orator *J.* and his Heirs, and the then Defendant *C.* was directed to draw a Declaration of Trust, which he did, and the same was sealed, but that the then Defendants had

had it. And *H.* the Father, being afterwards freed from his Troubles, by Deed dated the twenty fifth day of *June* one thousand six hundred forty six reciting that he was seised in Fee of *B.* And that a Writ of Entry was brought by one *H.* and *S.* to the end a Common Recovery might be suffered, and declared the Use of the Recovery to be to *H.* the Son, and his Heirs, and in *Michaelmas* Term the two and twentieth of the late King *C.* a Recovery was accordingly suffered; and that *H.* the Son, in *May*, 1647. dyed. And the then Complainant *I.* his Relict claimed her Dower, so that upon the whole matter the Cause upon the Bill and Answer, and Proofs would fall out to be, That *H.* the Father, (being *Cestuy que Trust* in Fee) conveyed to *H.* the Son, and his Heirs, and *H.* the Son, dyed. Now whether the Wife of *H.* the Son, (the Interest in Law being still in the Trustee) should be holpen to Dower in Equity was the single question. And this Court being satisfied of the said Trust, and that the said Deed was a Dormant Deed and made without any valuable consideration, was of Opinion that the then Complainant should have her Dower out of the said Manor of *B.* Tithes of *S.* and other the Lands by the Common Recovery or Coveyance conveyed or intended to be conveyed to the then Complainants late Husband, and his Heirs for the time to come, and also the Arrears thereof from the Death of the said Husband, and did order and decree the same accordingly; and for that purpose the said Deed was to be set aside, and that the then Defendants, and all claiming under them, or any of them, should not give the said Deed in Evidence or take any advantage thereof at any Trial at Law against the then Complainants, or any claiming under her, unless your Orator the said then Defendant should on that day seven-night shew good cause to the contrary. And your Orators then

Cafe made and agreed upon by Council on both sides: In pursuance whereof their Lordships did order that the matter should be set down to be heard the first sitting of Causes after the then next Term, of which the other side was to have notice, and their Lordships were to be attended with the Cafe in the mean time. And the Cause standing in the Paper to be heard the sixth day of *May* last past upon the Cafe stated by Mr. C. and Mr. C. in pursuance of the said Order of the 11th of *December* in the presence of the then Complainants Council, none attending for the then Defendant. The Substance of the said Cause so stated appeared to be, That the then Defendant *H. R.* had Issue *H.* his eldest Son, the then Complainant *I.* her former Husband, and your Orator's then Defendant *J.* and that *H.* the Father, became indebted to several persons, and to discharge those Debts he procured *H.* his Son, to joyn with him in the Sale of certain Lands in the County of *T.* which were after *H.* the Fathers Death to descend to *H.* the Son, from his Grandfather as Heir in Tail to him in consideration whereof he promised to settle on *H.* the Son, and his Heirs the Manor of *B.* in the County of *T.* and accordingly *H.* the Father, sealed and delivered a Deed to *H.* his Son, but before the same was executed some Troubles fell out upon *H.* the Father, about counterfeiting a Warrant from the late King for a Baronetship, thereupon he was persuaded by the then Defendants your Orators *J.* and *C.* to convey *B.* to your Orator *J.* and his Heirs to secure it from any Forfeiture or Trouble that it might be subject unto in regard of *H.* the Fathers being questioned as aforesaid. And that in the year 1642. *H.* the Father, conveyed to your Orator *J.* and his Heirs, and the then Defendant *C.* was directed to draw a Declaration of Trust, which he did, and the same was sealed, but that the then Defendants had

had it. And *H.* the Father, being afterwards freed from his Troubles, by Deed dated the twenty fifth day of *June* one thousand six hundred forty six reciting that he was seised in Fee of *B.* And that a Writ of Entry was brought by one *H.* and *S.* to the end a Common Recovery might be suffered, and declared the Use of the Recovery to be to *H.* the Son, and his Heirs, and in *Michaelmas* Term the two and twentieth of the late King *C.* a Recovery was accordingly suffered; and that *H.* the Son, in *May*, 1647. dyed. And the then Complainant *I.* his Relict claimed her Dower, so that upon the whole matter the Cause upon the Bill and Answer, and Proofs would fall out to be, That *H.* the Father, (being *Cestuy que Trust* in Fee) conveyed to *H.* the Son, and his Heirs, and *H.* the Son, dyed. Now whether the Wife of *H.* the Son, (the Interest in Law being still in the Trustee) should be holpen to Dower in Equity was the single question. And this Court being satisfied of the said Trust, and that the said Deed was a Dormant Deed and made without any valuable consideration, was of Opinion that the then Complainant should have her Dower out of the said Manor of *B.* Tithes of *S.* and other the Lands by the Common Recovery or Coveyance conveyed or intended to be conveyed to the then Complainants late Husband, and his Heirs for the time to come, and also the Arrears thereof from the Death of the said Husband, and did order and decree the same accordingly; and for that purpose the said Deed was to be set aside, and that the then Defendants, and all claiming under them, or any of them, should not give the said Deed in Evidence or take any advantage thereof at any Trial at Law against the then Complainants, or any claiming under her, unless your Orator the said then Defendant should on that day seven-night shew good cause to the contrary. And your Orators then

Defendants Council coming the 30th day of May to shew cause according to the aforesaid Order, and Council on both sides also attending, and upon debate of the matter, It was ordered and decreed that the Deed so made to your Orator the said J. R. as aforesaid against the then Complainant should be set aside, and the then Defendants or any of them, or any claiming under them, should not give the said Deed in Evidence, or take any advantage thereof at any Tryal at Law against the then Complainant, or any claiming under her. And as touching the Arrears of Dower the then Complainant might resort back to this Court after such Trial had, as she should see cause: And then this Court would give such farther Order therein as should be fit. And the then Decree was afterwards drawn up, signed and enrolled; and by an Order dated the 28th day of November 1654. a Commission is awarded to set out the Complainants Dower, and to ascertain the mean Profits, as in and by the said Decree and Orders remaining upon Record in this honourable Court more at large it doth and may appear. And your Orators shew unto your Lordships that the said Decree is erroneous and ought to be reviewed and reversed; for that there is Error in Law apparent in the body of the said Decree, for it doth appear that the question in the said Suit upon which the Decree was grounded, was whether the Wife of H. the Son, (who was only *Cestuy que-Trust*) should be holpen and relieved in Equity for Dower of that Estate whereof her Husband was not seized, it appearing by the Decree that H. the Husband of the said I. was never seized of the Lands concerning which the said I. is relieved by the Decree, and a Commission awarded to set out a third part of the said Lands for her Dower, and to ascertain the mean Profits. And by the Common Law of this Nation
by

by which a Dower is only given and created no Woman hath any Right of Dower, or can be Tenant in Dower, or have the same set out unto her, but of such Lands or Tenements whereof her Husband was seised in Fee Simple or in Fee Tail. And it appears by the Decree that *H.* the Husband of the said *I.* was never seised of the said Lands and Tenements concerning which the Decree is made to give her Relief for her Dower, and to set the same out of the said Lands, and the setting aside the Deed whereby other persons were seised in Fee is the same thing as to give the Dower: The said *I.* having no other Title as by the said Decree appears by any Purchase or Agreement or Conveyance, but only as Tenant in Dower to have the Thirds of her Husbands Estate. And it is of dangerous Consequence and contrary to the Rules of Law and Common Right, that a Decree in Equity shall cause an Admittance to be made of a Seisin in the Husband whereby to give Dower, and create it in any other manner, than as the same is to be claimed by the Common Law. And it is also Error in Law apparent in the body of the said Decree in the setting aside the said Conveyance or any ways impeaching the same; for that it appears in the said Decree that the said *I.* is no person that hath any Privy, Title or Claim, whereby to question the said Conveyance, or to set the same aside in any manner whatsoever. And therefore the said Decree is erroneous in Law, and ought not to stand in force against your Orators, but ought to be reviewed and reversed. In tender consideration whereof, and to the end the said Decree may be reviewed and reversed, and all Proceedings thereupon discharged; and that the said *I. F.* may true Answer make to all and singular the Premisses, and your Orators be therein relieved according to Equity. May it please your Lordships to grant unto

your Orators the Proceſs of *Subpœna* of this honourable Court to be directed to the ſaid *I. F.* thereby commanding her at a certain day, and under a certain pain therein to be limited to be and perſonally to appear before your Honours in the high Court of Chancery then and there to answer all and ſingular the Premiſſes; and farther to do, obſerve and keep ſuch farther Order and Direction herein as to your Lordſhips ſhall ſeem meet.

And your Orators ſhall ever pray, &c.

Jo. Churchil.

A Bill of Review without Recitals.

To the right Honourable George Lord Jeffreys
Baron of Wem, Lord High Chancellor of Eng-
land.

Complaining ſheweth unto your Lordſhip your Orator *A. B. of C.* in the County of *D.* That in *Eaſter* Term in the year of our Lord God 1682. *W. S.* exhibited his Bill into this honourable Court againſt your Orator; and did thereby ſet forth, That (here inſert the original Bill *verbatim*) And your Orator farther ſheweth, That being ſerved with a *Subpœna* to appear and answer the ſaid Bill, your Orator accordingly appeared and put in an Answer to the ſaid Bill to the Effect following, (here recite the ſubſtance of the Answer) And your Orator farther ſheweth, that the then Complainant having replied to the Answer of your Orator. And Iſſue being joyned thereupon Witneſſes were examined and Publication duly paſſed by Order the firſt day of *Hilary* Term in the ſix and thirtieth year of the Reign of his late Maſteſty King *Charles* the Second, being by Order of the two and twenty

tieth day of *January* in the said six and thirtieth year of his Reign enlarged to the first day of *Easter* Term then next following, unless the then Complainant should on the Thursday then next following shew good Cause to the contrary; and no Cause being shewn to the contrary, Publication then duly passed. And the said Cause was then ordered to be set down to be heard; and in pursuance thereof, the said Cause stood to be heard before your Lordship the first day of *March* last. And upon hearing and debating of the matters in question in the presence of Council learned in the Law on both sides a Decree or Decretal Order was then pronounced and was afterwards passed and entred; in which Decretal Order it was set forth and recited, that it was at the hearing on your Orator's behalf insisted on that your Orator had by his Answer set forth that (here insert the Decretal Order) And since the said Decree hath been signed and inrolled, which said Decree your Orator humbly shews is erroneous, and ought to be reviewed and reversed, and set aside for many apparent Errors and Imperfections, as well in relation to the matters on which the same is presumed to be grounded as the form thereof. And first your Orator humbly shews that it appears by your Orator's own Answer set forth in the body of the said Decree, &c. (here insert the Errors) And no Proof being made thereof no Decree ought to have been made or grounded thereupon, for that the said Bill ought to have been dismissed for the Reasons aforesaid: For which Errors and Imperfections in the said Body of the said Decree appearing, and for that there is no Proof to ground any Decree to set aside the said Rent-charge, your Orator hopes that the said Decree shall be reversed and set aside, and no farther Proceedings had thereon. To the end therefore that the same may be so, and that the said Defendant may true
and

and perfect Answer make to all and singular the Premisses, and that the said Decree may be reviewed and reversed, May it please your Lordship to grant a *Subpoena*, &c.

A Bill to compel a Mortgagee to discover his Title.

To the Right Honourable, &c.

Humbly complaining sheweth unto your Lordship your Orator *T. R.* that *P. R.* deceased, your Orator's late Father, was in his Life time lawfully seised in his Demesne as of Fee, of and in divers Woods, Wood-grounds, Lands, &c. And the said *P. R.* being thereof so seised, after whose decease the said Woods, &c. did descend and come (as of right they ought) unto your said Orator as Son and Heir of the said *P. R.* (your Orator being then and until now of late an Infant under the Age of twelve years) But now so it is, May it please your good Lordship, That *T. B.* and *J. G.* Executors of the last Will and Testament of *J. F.* Esq; do claim and pretend to have some Title, Term or Estate in the said Woods, &c. or some of them, by or under some Lease or Grant made as they pretend by the said *P. R.* in his Life time unto the said *J. F.* Whereas if any such Lease, Grant or Estate were made by the said *P. R.* the same was but a Mortgage for Security of Mony. And all the Mony which was intended to be thereby secured is since satisfied by Receipt of the Profits of the Premisses by the said *J. F.* who entred upon the Premisses and got the Possession thereof during your Orator's Minority; and after his said Fathers decease some or one of them being also in Possession of the Premisses by pretence of some Estate, Conveyance or Assignment of the said *E. F.* or in his Right or in Trust for him, or else the said Term and Estate

is now expired, or in case the said Term and Estate be yet in being, and that any part with their Mony thereby intended to be secured be yet remaining unsatisfied, your Orator is willing to satisfie and pay the same. Yet nevertheless the said *T. B. &c.* do detain and keep the same from your Orator, and by Combination and Confederacy among themselves do refuse to discover which of them hath the Interest in Law in the said Lease or Estate so made by the said *P. R.* and by what means the same is come unto them; and they or some of them, and also the said *J. F.* deceased, who during the Minority of your Orator, entred upon the Premises and got the Possession thereof as aforesaid, hath made and raised great Sums of Mony by and out of the Rents and Profits of the Premises, and do refuse to give an Accompt to your Orator for the same. And your Orator having no Counterpart of the said Lease or Grant made by the said *P. R.* is ignorant of the Contents thereof, nor can tell what Rent was thereupon reserved, nor hath any means to recover such Rent, or can tell when the said pretended Estate was to begin or end, nor whether it be expired yea or no, nor what Mony was thereby secured to be paid, nor to whom or when, neither doth he know to whom the Interest in Law in the said Lease or Estate since came. And the said *T. B. &c.* do give out that they will hold the Possession of the Premises as a forfeited Mortgage, and will take the full and strict advantage thereof in Law, so that your Orator is remediless in the Premises save only by the aid of this honourable Court. In tender consideration therefore of the Premises and to the end the said *T. B. &c.* may by their Answers discover and set forth what Estate or Title they or any of them do claim in or to the said Woods, &c. and when the same was made and by whom, and for what term, and under what Rent,

Rent, and under what Provisoos or Conditions, and what Monies if any were intended thereby to be secured and to whom, and what they or any of them, or the said *J. F.* deceased, have received and had by the Rents and Profits of the Premisses, or otherwise towards satisfaction of their Debts secured by the Premisses, if any such Debts or Security were, and may accompt to your Orator concerning the same, and that they may produce their original Lease into this honourable Court, that your Orator may have a Copy thereof. And that in case the same shall appear to be satisfied (or otherwise if any Money be due upon the same) That upon your Orators payment of what shall appear to remain unsatisfied they may surrender their said Lease, Mortgage or Estate, or otherwise assign and dispose thereof as to your Lordship shall seem meet and convenient. And that they may not be allowed to take advantage of the forfeiture of the Mortgage (if any such there be) And that your Orator may be relieved in all and singular the Premisses according to Equity and good Conscience. May it please your Lordship, &c.

A Bill to discover Incumbrances.

To the Right Honourable, &c.

Humbly complaining, sheweth unto your good Lordship your daily Orator *T. A.* of *L.* Gent. That whereas *J. A.* of *M.* in the County of *B.* Esq; having urgent occasion to use Money for his necessary employment did about the beginning of the Month of *F.* last past repair unto your Orator with whom he was formerly acquainted and had some Communion and Speech, and did earnestly treat with your said Orator to furnish and lend him the said *J. A.* the Sum of 500 *l.* for one whole year after the rate of six

six pounds in the hundred for the same offering to give your said Orator good Security in Land for the same. And the said *A.* did then tell your said Orator that he was seised of a good, perfect and indefeazible Estate in the Law in Fee Simple to the only use of him and his Heirs for ever of and in the Manor or Lordship of *M.* with the Appurtenances in the County of *B.* being (as he alledged) of the yearly value of 300 *l.* or thereabouts. And that he would assure the same to your Orator and his Heirs, for the repayment of the said 500 *l.* with the Interest thereof. And the said *J. A.* did then confidently affirm to your Orator, that the said Manor of *M.* was free from all Incumbrances by him the said *J. A.* or any his Ancestors had, made, suffered or done. And the said *J. A.* did then farther inform your Orator, that the said Manor or Lordship so to be conveyed and assured to your Orator as aforesaid would be a good Security for repayment of your Orator; to whose fair Speeches your Orator giving Credit, and wholly relying upon the honest and faithful dealing of the said *J. A.* your said Orator did lend unto the said *J. A.* the Sum of 500 *l.* of lawful Mony of *England.* And the said *J. A.* according to his Agreement for Security of payment of the same did by his Deed indented, bearing date about the twentieth day of this present Month of *J.* acknowledged to be enrolled in his Majesty's high Court of Chancery, convey and assure unto your said Orator and his Heirs the aforesaid Manor or Lordship of *M.* with the Appurtenances, and all other his Lands, Tenements and Hereditaments lying in, &c. or in any of them in the County of *B.* and under a Proviso or Condition: Nevertheless in the said Deed indented contained, that if the said *J. A.* his Heirs, Executors, Administrators or Assigns do truly pay or cause to be paid unto your said Orator, his Executors,

cutors, Administrators or Assigns the Sum of 540 *l.* of lawful Mony of *England*, at or in the Middle-Temple Hall *Fleetstreet London*, in manner and form following, that is to say, on the 24th day of *D.* now next coming the Sum of twenty pounds thereof; and on the 17th of *J.* which shall be in the year of our Lord God 16--- the Sum of 520 *l.* more residue and in full payment and satisfaction of the said Sum of 540 *l.* That then and from thenceforth the said Conveyance and Assurance of the said Manor or Lordship of *M.* with the Appurtenances and the Inrolment of the said Deed indented, and all and every the Covenants therein contained shall be utterly void and of none effect as if the same had never been had and made, as in and by the said Deed indented ready to be shewed to this honourable Court more plainly and at large it doth and may appear. But now so it is, May it please your good Lordship, that since such Conveyance and Assurance so thereof made as aforesaid to your said Orator and his Heirs, of the said Manor or Lordship of *M.* with the Appurtenances, Your Orator is given to understand that the said *J. A.* hath made divers and sundry secret Estates of the said Manor and Premises, or of some parts thereof to persons unknown to your said Orator, and hath entred into divers Statutes and Recognizances, and suffered divers Judgments against him for payment of Mony, or for some other cause or thing whereunto the said Manor and Premises so assured to your said Orator as aforesaid, is and are liable, and may in a short time make your Orators Assurance of the said Manor and Premises of no force or effect, if the same be not speedily prevented and redressed by this honourable Court according to Equity; Intender Consideration whereof, and forasmuch as your Orator doubteth not but that the said *J. A.* will upon his corporal Oath set forth

forth and discover the Truth of the Premises, if he may be thereunto compelled by the Order of your Lordship and this honourable Court. May it therefore please your Lordship, the Premises considered, to grant unto your Orator his Majesty's most gracious Writ of *Subpoena* to be directed to the said *J. A.* commanding him thereby at a certain day and under a certain pain to be therein limited to be and personally to appear before your Lordship in his Majesty's high Court of Chancery, then and there to answer directly to the Premises. And also to set forth upon his Oath whether *J. A.* deceased, his late Father, or any other of his Ancestors, have any way incumbered the aforesaid Manor and Premises, or any part thereof, and how, and in what manner. And farther to stand and abide such Order and direction in the Premises, as to your good Lordship shall seem agreeable with Equity and good Conscience.

And your Orator shall ever pray, &c.

A Bill for Dilapidations.

To the Right Honourable *George Lord Jeffreys*,
Baron of *Wem*, Lord high Chancellor of *England*.

Humbly complaining sheweth unto your Lordship your Orator *L. B. of W.* in the County of *O.* Clerk, that one *E. M.* late of *W.* aforesaid Clerk, was heretofore in his Life time for about thirteen years last past Rector of the Rectory of *W.* aforesaid, and during that time received, had and enjoyed all the Tithes belonging to the said Rectory, and enjoyed the Parsonage-house, and the Barns, Stables, and other Out-houses thereunto belonging. And the said *E. M.* continued in the possession and enjoyment of

of the same Premises until the time of his Death, which happened in or about the Month of *October* one thousand five hundred eighty and five. After whose death your Orator was presented to the said Rectory, and duly instituted and inducted into the same, and thereby is become lawfully seised of the said Rectory, Tithes and Premises. And your Orator farther sheweth that the said *E. M.* having in his Life time and to the time of his Death another Rectory or Parsonage of good value did for several years before his Death neglect to repair the said Parsonage-house of *W.* and Out-houses thereunto belonging, and suffered the same to run very much out of repair, so that at the time of his Death the same was very ruinous, and your Orator immediately after his Presentation, Institution and Induction unto the said Rectory caused the defects of Repairs of the said Parsonage-house and Out-houses to be viewed and valued by substantial Workmen, who valued the Dilapidations thereof at one hundred and sixteen pounds; of which Dilapidations and the value thereof your Orator gave notice to *E. M.* the Widow and Relict of the said *E. M.* and desired her to repair the same she having taken forth Letters of Administration of her said Husbands personal Estate, and possessed her self of all her said Husbands Estate consisting in ready Mony, Plate, Jewels, Rings, Bills, Bonds, Mortgages, Statutes, Recognizances, Judgments, Leases for Lives and long terms of years, and other Securities for Mony, Householdstuff of all sorts, Horses, Cows, Corn in the Barns, and other personal Estate of great Value sufficient to pay his just Debts with a great Overplus. And the said *S. M.* ought to make good the said Dilapidations and defects of Repairs; and ought long since to have done the same. But now so it is, May it please your Lordship, that *S. M.* by Combination or Confederacy with some person
or

or persons unknown to your Orator (whose Names when discovered your Orator prays may be inserted into this Bill together with apt matter to charge them) doth absolutely refuse to make good the said Dilapidations, sometimes pretending that the said Houses were in good repair at the time of the death of the said *E. N.* or but a very little out of repair, and thereupon your Orator being about to sue the said *S. M.* as Administratrix of her said Husband to make good and answer the value of the said Dilapidations and Defects of Repair, She threatned she would plead *plene administravit* to such Suit, and doth conceal her said Husband's personal Estate, and convert and dispose the same to her own use, and doth falsely pretend that the said *E. M.* his personal Estate was very small and inconsiderable and not sufficient to pay his funeral Charges and just Debts, for that (as she pretended) he owed very many great and considerable Debts to divers persons at the time of his death, but to whom in particular the said *E. M.* owed any Mony at his death, or how much, or how such Debts were contracted, or how the same were secured the said *S. M.* utterly refuseth to discover, and in truth the said *E. M.* was very little if any thing indebted at the time of his death, and the Debts by him owing were very inconsiderable, and the said *E. M.* his personal Estate which came to the Hands, Custody or Possession of the said *S. M.* or of some other person or persons by and with her Consent, Privy, Knowledge or Direction was sufficient to pay all his just Debts, and make good the said Dilapidations with a great Overplus. And besides the said personal Estate the said *E. M.* died seized of a real Estate lying at *C.* in the County of *B.* of the yearly value of two hundred pounds and upwards, which he left to descend to his Heir at Law or otherwise by him charged with payment of his Debts, and ought to be Assets

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for satisfaction of the just Debts of the said *E. M.* and the said *S. M.* hath received greater Sums of Mony which were due for Rent in the Life time of the said *E. M.* and by Agreement with and the Consent of the said *E. M.* Heir at Law, she the said *S. M.* doth continue to receive the Rents and Profits of the said Premisses, which have been due since the death of the said *E. M.* to her own use and benefit, untruly pretending that the same were settled upon her by her said Husband in his Life time for her Life for her Jointure, whereas the truth is (and so the said *S. M.* well knows) that no Settlement was made of the said Premisses or any part thereof on her the said *S.* or for her use by the said *E. M.* in his Life time, but that the same descended to his Heir at Law. And the said *E. M.* not long before his death had received as a Marriage Portion with the said *S.* the Sum of fifteen hundred pounds, or some other great and considerable Sum of Mony, which was put out at Interest, or else was remaining in his house, or elsewhere undisposed of at the time of his death. And although the said *S. M.* doth at this time enjoy so great and considerable an Estate, both real and personal, which was the said *E. M.*'s, yet she by Combination with *A. M.* the Heir at Law, refuseth to pay or make good unto your Orator the said one hundred and sixteen pounds, or any part thereof, for and towards the repairing the said Parsonage-house and Premisses, as in Justice and Equity she ought to do; all which doings of the said *S. M.* are contrary to Equity and good Conscience. In tender Consideration whereof, and forasmuch as your Orator is remediless in the Premisses by the strict Rules of the Common Laws of this Realm, and the rather for that his Witnesse, who could and should prove the truth of all and singular the Premisses, are either dead or in places remote and unknown

known to your Orator, To the end therefore that the said *S. M.* may set forth and discover the personal Estate which the said *E. M.* died possessed of, or interessed in, or that any other was interessed in Trust for him or for his use, and the particulars thereof, and the true and utmost value of each particular, and may exhibit a true and perfect Inventory thereof into this honourable Court, and of every particular thereof, which she or any other in trust for her or with her Privy, Direction, Consent or Knowledge have or hath possessed him, her or themselves of, and how she or such other person hath disposed of the same or any part thereof, and to whom, and for what, and what Securities she hath altered, and for what Sums of Mony, and from whom owing, and in whose Name she hath taken the now Security, whether the said *E. M.* hath received her Marriage Portion before his death, and how much the same was and whether he had disposed of the same, or any part thereof, before his death, and to whom; or whether part thereof was in his house, or elsewhere undisposed of at the time of his death, and how she hath disposed of the same, and what real Estate the said *E. M.* was seized of at the time of his death, and the true yearly Value of the same, and where the same lies, and in whose occupation, and what Rents were due and in arrear for the same at the time of his death, and whether she or who else received the same, and whether the said Lands did on the death of the said *E. M.* descend to his Heir at Law, or were by him made subject to the payment of his Debts; and whether she or any other, and who for her use, hath received the Rents and Profits thereof, which have grown due since the death of the said *E. M.* or is by agreement to receive the same; or whether any Settlement was made and executed thereof, or any part thereof; and what part upon her for her Life,

or for what other Estate by the said *E. M.* in his Life time, and when the same is dated and executed, and what Debts the said *E. M.* owed at his death, and to whom, and how secured, and what thereof she hath paid, and to whom, and when, and whether she paid the full Value, or compounded any, and which of them, and at what rate; and that the said *S. M.* may true Answer make to all and singular the Premises, and that your Orator may have such discovery and relief as shall be agreeable to Equity and good Conscience, May it please your Lordship to grant to your Orator Process of *Sub-pena* to be directed to the said *S. M.* and to *A. M.* the Heir at Law, thereby commanding them, and either of them, at a certain day and under a certain pain therein to be limited, personally to be and appear before your Lordship in the high Court of Chancery then and there to answer all and singular the Premises, and to stand to and abide such farther Order and Decree therein as to your Lordship shall seem meet.

And your Orator shall pray, &c.

A Bill to redeem a Mortgage, or foreclose the Equity of Redemption.

To the Right Honourable G. Lord J. Lord Chancellor of *England*.

Humbly complaining sheweth unto your good Lordship your daily Orators *R. B.* of the Middle Temple *London* Esq; and *F. B.* of the Middle-Temple aforesaid Esq; that whereas *E. C.* late of *S.* in the County of *W.* Esq; in the Month of *Feb.* in the year of our Lord God 1681. having occasion for Monies did apply himself to your Orator *R. B.* to borrow the Sum of 150 *l.* proposing to secure the repayment thereof with Interest by a Mortgage of certain

certain Water-Corn Mills in *H.* in the County of *W.* whereof the said *E. C.* then was or pretended himself to be seised in Fee simple, and which the said *E. C.* did aver to be of the yearly value of twenty pounds at the least, whereupon your Orator *R. B.* at the earnest importunity of the said *E. C.* was prevailed upon, and did accordingly lend unto the said *E. C.* the said Sum of 150 *l.* and the said *E. C.* for the Security thereof with Interest by his Indenture of Lease or Mortgage bearing date the five and twentieth day of *Feb.* in the said year of our Lord 1681. made between him the said *E. C.* of the one part and your Orator *F. B.* of the other part in consideration of the said Sum of 150 *l.* mentioned to be paid by your Orator *F. B.* to the said *E. C.* and well and truly paid to him by your Orator *R. B.* before the Sealing and Delivery of the same Indenture did demise, grant, bargain and sell unto your Orator *F. B.* (in Trust for your Orator *R. B.*) the aforesaid Mills with the Appurtenances situate in *H.* in the said County of *W.* which formerly belonged unto *W. S.* a person attainted of High Treason, and were then lately granted unto the said *E. C.* by our Sovereign Lord the Kings Majesty that now is by the Name of His Royal Highness *J.* Duke of *York* and *Albany*, and the Reversion and Reversions, Rents, Issues and Profits of the Premises. To have and to hold the said Water Corn-Mills and Premises, and every part and parcel thereof unto your Orator *F. B.* his Executors, Administrators and Assigns from the Sealing and Delivery of the said Indenture unto the full end and term of ninety and nine years from thence next ensuing and fully to be compleat and ended, at and under the yearly Rent of one Peper Corn at the Feast of St. *John* Baptist, if the same should be demanded; In which said recited Indenture there is contained a Proviso or Condition, that if the said *E. C.* his Heirs, Ex-

cutors, Administrators or Assigns should well and truly pay or cause to be paid unto your Orator *F.B.* his Executors, Administrators or Assigns in the common Dining-Hall of the Middle Temple *London*, the Sum of 159 *l.* of lawful Mony of *England* in manner therein mentioned (that is to say) 4 *l.* and 10 *s.* part thereof on the 26th day of *August* next ensuing the date of the said Indenture, and 154 *l.* and 10 *s.* more the residue of the said 159 *l.* on the 26th day of *February* then next following without any deduction or defalcation whatsoever, that then and from thenceforth such due payment being had and made, the said recited Demise, Grant, Bargain and Sale of all and singular the Premises, should cease, determine and be utterly void and of none effect to all intents and purposes, the said Indenture or any thing therein contained to the contrary thereof in any wise notwithstanding. And though the said *E.C.* by the same Indenture did covenant, promise and grant to and with your Orator *F. B.* his Executors, Administrators and Assigns that he the said *E.C.* his Heirs, and all and every other Person and Persons and their Heirs, having, claiming, deriving or pretending, or which could or might hereafter have or claim any manner of Estate, Right, Title, Interest, Claim, Benefit or Demand of, in, to or out of the said Water Corn-Mills with the Appurtenances or any Estate or Interest thereof, should and would from time to time and at all times from and after default made of payment of the said Sum of Mony in the Proviso or Condition aforesaid expressed, or either of them, upon the reasonable request of your Orator *F. B.* his Executors, Administrators and Assigns make and execute, or cause to be made and executed unto your Orator, his Executors, Administrators and Assigns all and every such farther lawful and reasonable Acts, Deeds, Grants, Releases, Conveyance and Assurance in the Law whatsoever
for

for the farther and better perfect and more absolute granting, conveying and assuring of the said Water Corn-Mills with the Appurtenances and every part and parcel thereof unto your Orator *F. B.* his Executors, Administrators and Assigns, for and during the said term of 99 years discharged of the Proviso or Condition aforesaid, and of Power, Equity and Benefit of Redemption, as by the said *F. B.* his Executors, Administrators or Assigns, or his or their Council learned in the Law shall be reasonably devised, advised or required. And there was an Agreement contained in the said Indenture, that the said *E. C.* his Heirs, Executors and Assigns should and might have, hold and enjoy the Premises, and receive and take the Rents and Profits thereof to his and their own use and uses until the first default of payment should be made of the Sum of Money in the Proviso and Condition aforesaid expressed without any Let, Hindrance or Denial of or by your Orator *F. B.* his Executors or Assigns, any thing in the said Indenture contained to the contrary thereof in any wise notwithstanding [as in and by the said recited Indenture ready to be produced to this honourable Court, and whereunto your Orators for more certainty in all things refer themselves it doth and may appear.] Which said Lease or Mortgage was so made as aforesaid to your Orator *F. B.* and his Name used therein only in Trust for your other Orator *R. B.* and the said 150 *l.* so lent as aforesaid, and secured by the said Indenture, was the proper Monies of your Orator *R. B.* and so the same was known and understood by the said *E. C.* And your Orators farther shew that the said *E. C.* after he had borrowed the said 150 *l.* of your Orator *R. B.* as aforesaid, made default of payment of the same and the Interest thereof in the said Proviso mentioned, and hath not paid one Penny of the said Principal

cipal Mony or Interest since the lending the said 150 *l.* as aforesaid, but hath totally failed to pay the same or any part thereof, and the said Mills standing upon a rapid Stream, especially in the time of Floods, are very subject to be damnified, and the Banks, Stanks and Hears belonging to the same do often much damage by the Swiftness of the Stream and Torrent there, so that by reason thereof and for want of Repairs the said Mills with the Appurtenances are much decayed, and in great danger of utter destruction and demolishment, and are of late much sunk and fallen in their Rent and yearly Value, so that your Orator *R. B.* is in very great danger of losing all or the greatest part of his said Mony and Interest. Of all which Premisses your said Orator *F. B.* in the behalf of your other Orator hath from time to time acquainted the said *E. C.* and requested him to raise and pay the said Mony and Interest either by the said Mills or some other way as he could most conveniently do the same; and your Orators farther shew that about the Month of *November* last past the said *E. C.* for the raising Monies for and towards the payment of the said Debt and Interest, and some other Debts did make, seal and execute some Deeds of Feoffment, Lease and Release, or some other Conveyance unto one *E. G. of B.* in the County of *W. Esq;* in Trust, and to enable him to make sale of the said Mills with the Appurtenances, and with the Monies to be raised by such Sale in the first place to pay to your Orator the said 150 *l.* and Interest, and if there should be any Overplus then to pay certain other Debts mentioned in a Schedule annexed to such Deed or Conveyance, and the residue thereof, if any should be, to pay to his two Daughters ----- *C.* and ----- *C.* or upon some such like Trusts, as by the said Deed or Conveyance, if your Orator had the same to produce, and whereunto

unto your Orators for more certainty in all things refer themselves it doth and may more at large appear. And your Orators farther shew, that they have often requested and made application to the said *E. G.* to execute the said Trust by making Sale of the said Mills and Premisses, and thereby raising Monies to pay your Orator *R. B.* his said Debt and Interest, and have also requested the said *E. C.* to release all Equity and Power of Redemption to your Orator *F. B.* in Trust for your other Orator during the said term of 99 Years according to the said Covenant comprised in the said Indenture. But so it is, May it please your good Lordship, that the said *E. G.* and ----- *C.* and ----- *C.* the Daughters since the making and executing the said Conveyance or Deed in Trust to the said *E. G.* as aforesaid, have entred upon the said Mills, and hold and enjoy the same, and share and divide the Profits thereof amongst themselves, which they have the more opportunity to do in regard the said *E. C.* hath of late years been and dwelled remote from the said Mills in some or one of his Majesty's Garrisons near the Sea; and now the said *E. G.* doth refuse or delay to execute the said Trust in selling the said Mills, and raising and paying of the said Debts, and he is the more unwilling and backward therein because he is perswaded against it by the said ----- *C.* and ----- *C.* the Daughters who take most of the Profits of the said Mills to their own use, so that your Orator *R. B.* is likely to be delayed of the payment of his said Debt and Interest unless assisted by this Honourable Court. In tender consideration whereof, and for that your Orator *R. B.* hath no Remedy at the Common Law to compel the said *E. G.* to execute the said Trust or to sell the said Mills, and thereby raise Monies for payment of your Orators said Debt in the first place. And in case your Orator *F. B.* on the behalf

half of your Orator *R. B.* should enter upon the same, he would be liable to an Account for the Profits thereof, and must be at very great Charges to repair the same, which in regard of the remoteness of your Orator from the place, and the nature of the thing would be very inconvenient for your Orator, and inconsistent with their other Affairs in the World. And for that the Mills are now so low in their yearly Value that it is a great question whether they will be worth your Orators said Debt and Interest, especially if they shall continue to run out of Repair as now they do, and for that your Orators have no means at Law to compel the said *E. C.* and *E. G.* to release and convey their and either of their Right, Title and Interest in and to the said Mills unto your Orator during the said Term in the said Indenture of Lease or Mortgage mentioned according to the Covenants and Agreements in the same comprised as aforesaid, nor to foreclose the Redemption of the said *E. C.* and *E. G.* in and to the same in case they or one of them do not pay to your Orator *F. B.* in Trust for your other Orator the said Debt and Interest in some reasonable time. To the end therefore that the said *E. C.* *E. G.* --- *C.* and --- *C.* may upon their corporal Oaths true Answer make to all and every the Premises, and particularly that the said *E. C.* may set forth whether he did not borrow and take up at Interest the said 150 *l.* of your Orator *R. B.* and whether he did not make and execute such Conveyance or Security as aforesaid to your Orator *F. B.* for the same in Trust for your other Orator as aforesaid, and whether he ever paid any Penny of the said Principal Mony or Interest thereof to your Orator, and that the said *E. C.* *E. G.* --- *C.* and --- *C.* the Daughters may set forth and discover what Deed, Writing, Feoffment, Grant, Lease, Release or other Conveyance or Conveyances the said *E. C.* hath made,

sealed

sealed or executed unto the said E. G. of the said Mills with the Appurtenances, or any part or parcel thereof, and the true Date and Contents thereof, and whether the same were not so made and executed in Trust, and to impower the said E. G. to make Sale of the said Mills with the Appurtenances, and thereby to raise Monies for the Sale of the said Debt of 150 l. and Interest in the first place, and to what other uses and upon what other Trust, and that the said E. G. may make Sale of the said Mills with the Appurtenances, and pay your Orator R. B. his said Debt and Interest, and the Costs and Charges of his Suit, or that your Orator F. B. may have an absolute Estate of and in the same in Trust for your Orator R. B. for and during the residue of the said Term of 99 years free from all Redemption and Equity and Power of Redemption of or by the said E. C. and E. G. or either of them, their or either of their Heirs or Assigns, or any Person or Persons claiming by or under their or either of their Titles, and that they may release and assign the same accordingly. And that the said Confederates may true and direct Answer make to all and every the matters and things aforesaid as fully and particularly as if they were here again repeated or interrogated, and that your Orator may be relieved in all and singular the Premises according to Equity and good Conscience. May it please your Lordship to grant unto your Orators his Majesties gracious Writ of *Subpoena* to be directed unto the said E. C. E. G. --- C. and --- C. the Daughters, thereby commanding them and every of them at a certain day, and under a certain pain therein to be limited, to appear personally in this honourable Court to answer all and singular the Premises. And to stand to and abide such farther Order and Direction therein as to your Lordship shall seem most to stand with Equity and good Conscience. And your Orators shall ever, &c.

A Bill to stay Wastes.

To the Right Honourable, &c.

Humbly complaining sheweth unto your Lordship your Oratrix *E. P.* an Infant, by *N. P.* her Father and Prochein Amy, That your Oratrix being rightfully seized in her Demesne as of Fee of and in divers Messuages, Lands, Tenements and Hereditaments with the Appurtenances within the Parish of *C.* and elsewhere, in the County of *K.* and in particular of a Messuage with about fourteen Acres of Land well stocked and stored with Timber Trees and other Trees and Wood now or late in the possession of *C. L.* which said Premisses after the death of *B. P.* (your Oratrix Mother who dyed about one year since) descended and came to your Oratrix as her only Daughter and Heir, whereby your Oratrix is lawfully and rightfully entituled to the said Premisses, and ought peacefully and quietly to enjoy the same without any interruption or disturbance: But so it is, May it please your Lordship, that the said *C. L.* being in the possession of the Premisses as aforesaid hath combined and confederated himself to and with one *T. G.* of *C.* Husbandman, to fell, cut down and carry away the Timber and Wood standing upon the Premisses, and to dispose thereof to their own use. And for that purpose the said *C. L.* hath delivered the possession of the Premisses to the said *T. G.* and the said *T. G.* hath of late committed great Wastes and Spoils thereupon, and threatens to continue so to do by cutting down the Timber and Wood, and pulling down the Houses standing and being thereupon. And for a pretence and colour only for his so doing gives out he hath some Estate and Interest therein; but from whom or what Estate, or what Interest he

he claimeth the Premisses, he refuseth to discover. Whereas the said Confederates have no Interest therein, for that the Interest which the said C. L. had therein was but for some small number of years, and is lately expired and determined, nevertheless the said T. G. by the Confederacy aforesaid commits great Wastes and Spoils thereupon. All which is to the great prejudice of your Oratrix, and against the publick good of this Realm, and contrary to all Equity and good Conscience. In tender consideration whereof, and forasmuch as your Oratrix is remediless in the Premisses by the strict Rules of the Common Laws of the Realm from the restraining of the said Wastes and Spoils, or to discover the said T. G. his pretended Right and Title to the Premisses, and from whom he derived the same, and by what Deed or Deeds or other Conveyances such Right is conveyed to him, and the true Dates and Contents thereof and who are Witnesses thereto. To the end therefore that the said T. G. may true and perfect Answer make to all and singular the Premisses, and set forth and discover his Right and Title to the said Premisses or any, or what part thereof, and from and by whom, and by what Deed or Writing, when made and executed, and the Date and Dates of such Deed or Writing, and of all and every other Conveyance he hath concerning the Premisses or any part thereof. And that the said T. G. may be restrained from committing and doing any such Waste and Spoils on the Premisses as aforesaid, and your Oratrix relieved in the Premisses according to Equity and good Conscience. May it please your good Lordship to grant unto your Oratrix his Majesty's most gracious Writ of *Subpœna* issuing out of the High Court of Chancery to be directed to the said T. G. and C. L. thereby commanding them at a certain day and under a certain pain therein to be

be limited personally to be and appear before your Lordship in the said honourable Court to answer all and singular the Premises, &c. And your Oratrix shall ever pray, &c.

A Bill by a Mortgagee that a Mortgagor may redeem or be foreclosed; and to discover Incumbrances.

To the Right Honourable, &c.

Humbly complaining sheweth unto your Lordship your Oratrix *E. R.* of, &c. That *J. F.* of, &c. and *M.* his Wife, youngest Daughter of *M. B.* Gent: or one of them being seized in Fee, or some other Estate of Inheritance, or else possessed of some long term of years yet to come of and in all that Messuage, &c. (recite the Lands in the Deed of Mortgage) And the said *J. F.* and his said Wife being so seized and possessed as aforesaid, and affirming that the same was free and clear of and from all Incumbrances he the said *J. F.* wanting Money to supply his occasions did borrow of your Oratrix the Sum of 200 *l.* for the securing the repayment whereof with Interest, the said *J. F.* and *M.* his Wife, did by Deed under their Hands and Seals bearing date on or about the 25th day of *A.* in the year of our Lord God 1672. duly executed, convey and assure unto your Oratrix and her Heirs for ever all the said Premises with their and every of their Appurtenances; and for the better corroborating your Oratrix's Title in the Premises the said *J. F.* and *M.* his Wife did in due form of Law levy one or more Fine or Fines of the Premises to the use of your Oratrix and her Heirs, and it was by the said Deed covenanted and agreed by the said *J. F.* and his Wife, that they would levy the said Fine the use whereof was thereby declared to be to your Oratrix and her Heirs, and that the said Premises

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were clear of Incumbrances, and that they would on request make farther assurance of the said Premises to your Oratrix, and deliver unto her and her Assigns all the Deeds and Evidences concerning the Premises. In and by which said Deed it is provided, that if the said J. F. and his Wife, their Heirs, Executors or Assigns paid or cause to be paid unto your Oratrix the Sum of six pounds of lawful Mony of *England* in and upon the 26th day of *October* then next ensuing the date of the said Deed, and the Sum of 206 *li.* of like lawful Mony of *England* upon the 27th day of *April*, which then should be in the year of our Lord God 1673. that then the said Deed should be void and of none effect, or else to stand in force (as by the said Deed more at large appeareth) And your Oratrix farther sheweth that the said 200 *li.* nor any part thereof or of the Interest thereof hath been yet paid by the said J. F. or his Wife, but the same is yet wholly unpaid unto your Oratrix, whereby her Estate in the Premises is become absolute, and she and her Heirs and Assigns ought peaceably and quietly to hold and enjoy the said Premises to her mortgaged as aforesaid, according to the grant thereof made to her as aforesaid free from Incumbrances, and have a discovery of the said Deeds and Evidences and the same delivered unto her fair and uncanceled for the derivation and maintenance of her Title to the Premises. But now so it is, May it please your Lordship, that the said F. and his Wife, have hitherto used and are still using all the art they can to defeat your Oratrix of her said Mony lent, and of her Security; and the better to effect the same do combine and confederate themselves with J. A. and B. W. who all pretend Title to the Premises or some part thereof, or that the same are charged or chargeable with one or more Statutes, Judgments and Recognizances confessed to them or some

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or one of them for the securing of some Sum or Sums of Mony which they refuse to discover, and do pretend that the same or any part thereof is not yet paid, whenas the Confederates well know that whatsoever Sums of Mony were secured by any such Judgment or Judgments, or otherwise, is all or most part thereof paid, and such Judgments or other Incumbrances come to them for some small and inconsiderable consideration in Mony, and brought in and kept on foot of purpose to protect the Premisses for the said *F.* and his Wife, against your Oratrix, or for some other unconscionable end or purpose. And the Confederates also know that the Premisses are subject to other Incumbrances which they ought to discover, but have refused on purpose to defraud your Oratrix of her said Mony. All which Incumbrances when discovered will appear fit in Equity to be laid aside, but in the mean time your Oratrix knows not how with safety to bring her Ejectment for Recovery of the possession of the Premisses, nor can your Oratrix dispose of the Premisses unless she had the same in her quiet Possession, freed and discharged of the Equity of Redemption of the said *J. F.* and his Wife, and the said *F.* and his Wife release their Interest and Pretensions to the Premisses, as in all Equity she conceives she ought to have in case they refuse to pay what is due to your Oratrix by a short day to be limited by your Lordship. All which doings of the said Confederates tend to your Oratrix's great prejudice, and are against all Equity and good Conscience. In tender consideration whereof, and forasmuch as your Oratrix is altogether remediless in the Premisses by the strict Rules of the Common Law of this Realm, but properly relievable therein by the Equity and Justice of this honourable Court. To the end therefore that the said Confederates, who know the truth of the Premisses,

misses, may perfect Answer make thereunto, and that they may set forth and discover their respective Rights, Title and Claim to the said Premisses for and upon what consideration in Mony or otherwise, and for what and how much they paid for the same, and what Incumbrances the said Premisses are liable unto and charged or chargeable with, and upon what consideration, and when and between whom made and contracted, and that the said *J. F.* and *M.* his Wife may be compelled to pay unto your Oratrix the said Principal Mortgage Mony secured by the said Mortgage Deed with Interest, and her necessary Costs and Charges laid out and to be laid out and expended in and about the making good of her Security by some short time to be for that purpose prefixed by this honourable Court, or in default thereof, that the said *J. F.* and all claiming by, from or under him, her or them may by the Decree of this Court be from thenceforth debarred and foreclosed of all manner of Equity of Redemption or Reclaim in or to the said Premisses, and be decreed according to their Covenant in that behalf to make farther Assurance to your Oratrix, and to release their Claim, Benefit and Equity of Redemption of, in and to the same to your Oratrix and her Heirs, and that she and her Heirs and Assigns may hold and enjoy the same against the said *J. F.* and his Wife, and his or her Heirs and all claiming under him or her or them, free and discharged of the said Equity of Redemption. And that the said *J. F.* and his Wife, may deliver to your Oratrix all the Deeds and Evidences concerning the Premisses. And that *J. A.* and *B. W.* may more particularly set forth and discover what Claim or Demand they or any of them make to the Premisses or any part thereof, and how, from whom and upon what consideration, for how much Mony paid by any of them, and if for Mony, for how much,

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and whether the same is not paid or satisfied, and by whom, and when, and what remains unpaid, if any do, and for what the said Judgment or Judgments or Security were obtained, and your Oratrix relieved in the Premises according to Equity and good Conscience, &c.

Pray Process, &c.

A Bill to discover a Personal Estate.

To the Right Honourable George Lord Jeffreys,
Baron of Wem, Lord high Chancellor of England.

In all humility complaining sheweth unto your Lordship your daily Orator J. C. of L. Merchant, that your Orator hath for several years past followed the Trade of a Merchant within the City of L. and other places within this Realm, and other parts beyond the Seas, and hath sold divers Wares and Merchandizes to several persons, and in particular your Orator did at several times sell and deliver unto one T. L. late of L. Vintner, divers parcels of Spanish and French Wines amounting to a very considerable Sum of Mony, and the said T. L. coming to an Accompt with your Orator touching the same about the Month of D. which was in the year of our Lord one thousand six hundred eighty and three it did appear and was found that the said T. L. was then indebted unto your Orator one hundred and fifty seven pounds five shillings, fifty seven pounds five shillings part thereof he the said T. L. then paid your Orator, and the other hundred pounds was left remaining unpaid as appears by the Accompt so stated. And your Orator farther sheweth that shortly after the making up and settling of the said Accompt the said T. died

died possessed of or entituled to a very considerable Estate consisting of Leases for years, Mortgages, Extents, Debts due upon Judgments, Estatutes, Recognizances, Bonds, penal Bills, or other Specialties, or upon Notes, Promises, Accompts, or otherwise for Wines or other Merchandizes, Jewels, Plate, Ready Mony, Household Goods or Implements of Household of other things belonging to the said *T. L.* in his Trade as a Vintner, and other Goods and Chattels of a very considerable value, and sufficient to pay or satisfie all his Debts of what kind or nature soever with a great Overplus, and which at the time of the death of the said *L.* were in the possession of the said *L.* himself or otherwise taken in the name or in the possession of some other person or persons in Trust for him. And the said *L.* died so possessed or intituled without any Will made, and thereupon the Administration of all the Goods and Chattels, and other personal Estate of the said *T. L.* was committed to *M.* his Widow and Relict, or to her and *B. M.* late of *L.* with whom she intermarried after the death of the said *T. L.* or to the said *B. M.* or some other person or persons in Trust for her or otherwise, the said *T. L.* did make his Will and thereof the said *M.* Executrix, or some other person or persons Executor or Executors thereof in Trust for her, and she or they or some or one of them have or hath proved the same Will, and taken the Execution thereof upon her or them, or some or one of them; and after the death of the said *T. L.* the said *M.* his Widow and Relict, or some other person or persons in Trust for her, continued on the Trade in which the said *T. L.* was at the time of his death, and possessed her self or him or themselves of the Estate of the said *L.* consisting as abovesaid, which was very considerably more than what was sufficient to satisfie his Debts, and before any Accompt was taken of the Wines,

whereof the said *L.* was possessed at the time of his death, did continually draw and sell thereof for six or seven Weeks or some other time, which your Orator taking notice of, the said *M.* told him that it was no matter for what she or any other person or persons for her had done, in regard there was enough to pay all the Debts due by the said *L.* or to some such or other like effect, and thereupon the said *M.* paid your Orator thirty pounds part of the hundred pounds remaining due to your Orator as aforesaid upon the said stated Account, and promised to pay unto your Orator the Remainder of the same hundred pounds in a very little time afterwards in consideration that your Orator would forbear suing her in the mean time. But so it is, May it please your Lordship, that after the said *M.* had intermarried with the said *B. M.* he having exchanged his Calling or Trade, and become Vintner, your Orator repaired unto the said *M.* and *M.* his Wife, and expected to have received the remaining part of his Debt, but the said *M.* and *M.* his Wife, began to pretend that they had discovered several Bonds and other Engagements by Specialty due from the said *T. L.* some for his own Debts, and others as Security for other persons, which would amount to a greater Sum than the Estate of the said *T. L.* would pay or satisfy, that there would not (as they did pretend) remain of the Estate of the said *L.* sufficient to satisfy your Orator's Debt being only due to him in manner aforesaid, upon which your Orator desired that for his satisfaction, if he must lose his Debt, they would shew him an Account of the Estate and what was owing upon it, which they both refused or delayed, putting your Orator off with frivolous excuses from time to time until he the said *B. M.* likewise died. And since his death your Orator hath renewed the same Request to the said *M.* which she refuses to do, the better
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to conceal the Estate of the said *T. L.* the said *M.* his Executrix or Administratrix as aforesaid, or the other person or persons Administrator or Administrators, Executors or Executor in Trust for her and to her benefit, hath and have neglected to exhibit in the Spiritual Court any true Inventory of the Goods and Chattels, and other personal Estate aforesaid of the said *T. L.* or whereunto he was any wise intituled as aforesaid, and out of such Inventory as is exhibited in the same Court by them or any of them, many of the particulars whereof the Estate aforesaid of the said *T. L.* did consist, and which are come to the knowledge or hands of them, or some, and which of them, or some other person or persons for them, or some or one of them are omitted, and the value at which the particulars in such Inventory mentioned are rated much under the true and real values thereof, and the said *M.* and the other person or persons, Executor or Executors, Administrator or Administrators of the said *L.* in Trust for her do threaten to plead *plene administravit* to any Suit your Orator shall bring at the Common Law for recovery of what is due to your Orator as aforesaid, well knowing that by reason of the alteration of the Estate aforesaid of the said *L.* and the clandestine actions of the said *M.* and the other person or persons aforesaid, your Orator cannot prove the Premises in so exact and strict a manner as the Rules of the Common Law do require. All which actings and doings of her the said *M.* and the other person or persons aforesaid are contrary to Right, Equity and good Conscience. In tender consideration whereof and forasmuch as your Orator is by reason of the practices of the said *M.* and the other person or persons aforesaid remediless in the Premises unless by the aid of this honourable Court your Orator may have a particular Discovery thereof by the Oath of the

said *M. M.* who well knows and is satisfied of the truth of all and singular the Premises before set forth, who when she doth answer thereto upon Oath must and will discover the same. To the end therefore she may so do, and in particular set forth a true and perfect Inventory of all and singular the Goods and Chattels, Rights and Credits of the said *T. L.* or in Trust for him, and whereunto he was intituled at the time of his decease and the particulars thereof, and whereof the same did consist, and also what Debts were owing by him, and how, and which of them are paid and by whom, whether the principal Debtors by the Bond in which the said *T. L.* was bound only as Surety, did not discharge the same, or have not otherwise secured the payments of the Debts due on the same Bonds, or some or one part or parts thereof, and which of them, so that they will be no charge upon the Estate of the said *L.* and may also set forth when and how long after the death of the said *T. L.* an Accompt, and what was taken of his Wines and Goods, and what quantity was sold, or how much Mony was received, and by whom for them before such Accompt taken, and whether she did not inform your Orator that there was Estate enough to satisfy the Debts of the said *T. L.* and in pursuance thereunto paid your Orator thirty pounds and promised the rest in manner and upon the consideration above mentioned, and the true reason why the Estate of the said *L.* now comes to fall short; and may true and perfect Answer make to all and singular the Premises, and discover what she doth know, hath heard or been informed touching the same with the several Circumstances thereof as fully and particularly as if the same were in the Prayer of this Bill, particularly repeated and interrogated. May it please your Lordship to grant unto your Orator his Majesty's most gracious Writ or Writs of *Sub-*
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pena to be directed to the said *M. M. alias L.* thereby commanding her personally to be and appear before your Lordship in this honourable Court at a certain day, and under a certain pain therein to be limited, and upon her corporal Oath to answer all and singular the Premisses, and farther to stand to and abide such Order and Decree therein as to your Lordship shall seem just with Equity. And your Orator as in duty bound shall ever pray, &c.

A Bill of Discovery of a Deed, and what Interest claimed thereby, being under a Proviso; and to discover whether it were performed so as to avoid the Deed, it being to be void on tender of 5 s.

To the Right Honourable, &c.

Humbly complaining shew unto your Lordship your Orator and Oratrix *J. B.* of, &c. an Infant by his next Friend and Guardian, and *R. K.* of, &c. That *J. B.* of, &c. Father of your Orator *J. B.* being in his life time and at the time of his death seized in his Demesne as of Fee-simple, or of some other Estate of Inheritance whereof he had power to dispose by his last Will and Testament in writing or otherwise of, and in, &c. [here name the Lands, the Value, and in whose possession] And being so seized on or about, &c. made his last Will and Testament in writing, and thereby devised the said Messuages, Lands and Tenements with the Appurtenances to *H. K.* and *M. K.* youngest Daughter of the said *J. B.* to hold to them the said *H. K.* and *M. K.* and the Survivor of them or his or her Executors, to levy, receive and take and until they had levied and received out of the Profits of the said Premisses the Sum of one hundred and fifteen pounds which he limited to be paid as followeth, (*viz.*) five pounds to his Brother *A.* and ten pounds

to your Oratrix *R. K.* his Grandchild, and one hundred pounds for a Marriage Portion for the said *M. K.* and seven pounds yearly out of the Profits towards her Maintenance till her Marriage, and after the said Sums raised and the said *M.* married, he devised the said Messuages, Lands and Premisses to your Orator *J. B.* and his Heirs lawfully begotten, and in default of such Issue to *H. K.* and his Heirs. And the said *J. B.* also devised to his said Daughter *M.* two Fields, &c. as by the said Will, to which your Orators refer themselves for their more certainty therein, more at large appeareth. And your Orators and Oratrix farther shew that shortly after the making of the said Will the said *J. B.* died. And the said *M. B.* by virtue of the said Will entered on the Premisses and received the Rents and Profits thereof, whereby she hath long since received the said one hundred pounds for her Marriage Portion, and also the said seven pounds *per annum*, and the said ten pounds given to your Oratrix *R.* and five pounds to *A. B.* with a great Overplus, and about ----- intermarried with one *D. M.* of ----- in the County of ----- Wherefore your Orator *J. B.* expected she would have delivered up the possession of the Premisses to him as in Justice and Equity she ought to have done. And your Oratrix *R.* well hoped she would have paid your Oratrix her said ten pounds according to the true intent of the said Will. But now so it is, May it please your Lordship, that the said *M. B.* having as aforesaid intermarried with the said *D. M.* they the said *D. M.* and the said *M.* his Wife, by Combination and Confederacy with *H. T.* of, &c. and *P. R.* of, &c. and *H. K.* do falsely pretend and give out in Speeches that the said *J. B.* made no such Will as aforesaid, or if he did, yet some short time before the making of the said Will, he did as they also falsely pretend by some Deed or Conveyance made

made between the said *J. B. H. T.* and *P. R.* convey the said Messuage, Lands, Tenements and Premises aforesaid unto them the said *H. T.* and *P. R.* to the use of the said *M. B.* and her Heirs, or otherwise settled the said Premises on the said *M. M.* whereas if any such Conveyance or Settlement was ever made by the said Testator *J. B.* the same was made and executed with some Proviso or power of Revocation contained therein for making good the said Conveyance or Settlement, and accordingly the same hath been since revoked and made void or else the said Settlement was voluntary and without consideration and under an express Trust for the said *J. B.* and his Heirs, and to be disposed of at his Will and Pleasure, or at least to be only for a Provision for the said *M.* until the said Testator should otherwise provide for her, which he did by his said Will in manner as aforesaid; as also by another Deed and Instrument bearing Date and by him duly executed on or about the seventeenth of *September 1677.* whereby he charged other part of his real Estate with the payment of forty pounds to the said *M.* or the said Proviso whatever it was, was performed and so would appear by the said Deed it self, if the said Confederates would produce the same, or was offered to be performed according to the intent of the said Proviso, which the said Confederates well know, and that for the Reasons aforesaid the said Deed (if any such there were) is become void and of none effect. And the said Proviso or Power of Revocation contained in the said Deed hath not been literally perused, yet the same hath been performed observed and pursued in substance, and the said Testator did send to the said *H. T.* for the said Deed, and often in his life time required the said Deed to be delivered up, and the said *H. T.* promised from time to time to deliver up the said Deed, but put the said *J. B.* off from

from time to time until he died, and the said Testator did what he apprehended and took to be a good and full performance, and what is and ought to be in Equity a good performance. And the said Confederates have received more out of the Profits of the said devised Premisses than the several Sums charged thereupon by the said Will do amount unto, and yet having got all the Deeds, Evidences and Writings of or concerning the said Premisses and other the Estate of your Orator *J. B.* and the Title thereof unjustly detain and keep the same, as also the possession of the said devised Premisses against your Orator *J. B.* who is Heir at Law as well as Devisee of the said Premisses. And the said *H. T. D. M.* and his said Wife, some or one of them, have for several years received the Rents and Profits of your Orator's Lands in *E. F.* in the County of, &c. of the value of, &c. particularly of one, &c. your Orator's Tenant, and other several Sums of Mony, and taking advantage of your Orator's Infancy apply the same to their own use and refuse to give your Orator any Accompt thereof, and the said *H. T.* who took on him to be Guardian to your Orator hath suffered your Orator to be sued at Law for Monies owing for his Maintenance and other Debts which the said *H. T.* ought to have paid and discharged out of the said Monies received out of your Orator's said Estate at, &c. And the said Confederates refuse to pay your Oratrix *R.* the said ten pounds, and sometimes they make and pretend to themselves other Estate and Title of and to the said devised Premisses. All which doings of the said Confederates are contrary to Equity and good Conscience. In tender consideration whereof, and forasmuch as your Orator and Oratrix are remediless, &c. for want of Witnesses and for that the said Confederates have all the ancient Deeds, Evidences and Writings in their
Hands

Hands of and concerning the said Premisses. To the end therefore that the said Confederates may set forth and discover what Estate or Interest they claim or pretend of in or to the said Premisses, and by what Deed or Conveyance, and whether the said *J. B.* made any such, and what Deed, Conveyance or Settlement on the said Confederates or any, and which of them, and the Date and Contents thereof, and between whom made, and how executed, whether by Livery or how else, who are Witnesses thereto, and where they live, and whether the same was executed on the day it bears Date, and in whose Hands, Custody or Power the same and all other the Deeds, Evidences and Writings of or belonging to the said devised Premisses or your Orator *J. B.*'s other Lands and real Estate are or lately were, and that they may produce the same, and whether the Proviso therein contained was not by some means performed and something done which was intended by all persons to be a good performance thereof; and whether the said Testator *J. B.* did not send for the said Deed or Conveyance to the said *T.* and what answer he returned thereto; and that they the said Confederates may set forth whether the said *J. B.* did not make such Will as is before set forth, and whether the same was not made after the said Deed, and taken and looked upon to be a revocation thereof. And whether the said *M.* did not enter upon and enjoy the said Premisses by virtue of the Devise in the said Will, and whether the said *J. B.* did not make other, and what Provision for the said *M.* equivalent to the said Premisses. And that the Confederates may discover the true yearly value of the said Premisses, and may exhibit a true Account of all Rents and Profits which they or any of them, or any other person or persons by their Order have or hath received out of either of your
Orator's

from time to time until he died, and the said Testator did what he apprehended and took to be a good and full performance, and what is and ought to be in Equity a good performance. And the said Confederates have received more out of the Profits of the said devised Premises than the several Sums charged thereupon by the said Will do amount unto, and yet having got all the Deeds, Evidences and Writings of or concerning the said Premises and other the Estate of your Orator *J. B.* and the Title thereof unjustly detain and keep the same, as also the possession of the said devised Premises against your Orator *J. B.* who is Heir at Law as well as Devisee of the said Premises. And the said *H. T. D. M.* and his said Wife, some or one of them, have for several years received the Rents and Profits of your Orator's Lands in *E. F.* in the County of, &c. of the value of, &c. particularly of one, &c. your Orator's Tenant, and other several Sums of Money, and taking advantage of your Orator's Infancy apply the same to their own use and refuse to give your Orator any Accompt thereof, and the said *H. T.* who took on him to be Guardian to your Orator hath suffered your Orator to be sued at Law for Monies owing for his Maintenance and other Debts which the said *H. T.* ought to have paid and discharged out of the said Monies received out of your Orator's said Estate at, &c. And the said Confederates refuse to pay your Oratrix *R.* the said ten pounds, and sometimes they make and pretend to themselves other Estate and Title of and to the said devised Premises. All which doings of the said Confederates are contrary to Equity and good Conscience. In tender consideration whereof, and forasmuch as your Orator and Oratrix are remediless, &c. for want of Witnesses and for that the said Confederates have all the ancient Deeds, Evidences and Writings in their
Hands

Hands of and concerning the said Premisses. To the end therefore that the said Confederates may set forth and discover what Estate or Interest they claim or pretend of in or to the said Premisses, and by what Deed or Conveyance, and whether the said *J. B.* made any such, and what Deed, Conveyance or Settlement on the said Confederates or any, and which of them, and the Date and Contents thereof, and between whom made, and how executed, whether by Livery or how else, who are Witnesses thereto, and where they live, and whether the same was executed on the day it bears Date, and in whose Hands, Custody or Power the same and all other the Deeds, Evidences and Writings of or belonging to the said devised Premisses or your Orator *J. B.*'s other Lands and real Estate are or lately were, and that they may produce the same, and whether the Proviso therein contained was not by some means performed and something done which was intended by all persons to be a good performance thereof; and whether the said Testator *J. B.* did not send for the said Deed or Conveyance to the said *T.* and what answer he returned thereto; and that they the said Confederates may set forth whether the said *J. B.* did not make such Will as is before set forth, and whether the same was not made after the said Deed, and taken and looked upon to be a revocation thereof. And whether the said *M.* did not enter upon and enjoy the said Premisses by virtue of the Devise in the said Will, and whether the said *J. B.* did not make other, and what Provision for the said *M.* equivalent to the said Premisses. And that the Confederates may discover the true yearly value of the said Premisses, and may exhibit a true Account of all Rents and Profits which they or any of them, or any other person or persons by their Order have or hath received out of either of your
Orator's

Orator's said Estates and how they have disposed thereof. And that the said Confederates who know the truth of the Premisses may true Answer make to all and singular the Premisses, and that your Orator and Oratrix may be relieved therein according to Equity, May it please your Lordship, &c.

A Bill to redeem a Mortgaged Estate or be foreclosed of the Equity of Redemption.

To the Right Honourable, &c.

Humbly complaining, &c. your Orator *A. B.* of *L.* Merchant, That *J. C.* Citizen and Merchant-Taylor of *L.* in or about the year, &c. being or pretending to be possessed of or interested in all that, &c. [Recite the Lands] And the said *J. C.* being so possessed and interested and having occasion for the Sum of 250 *l.* And thereupon the said *J. C.* for securing the Re-payment thereof with Interest did by Indenture bearing date and duly executed on or about, &c. [Recite the Deed till you come to the Covenants] with a Covenant on the said *J. C.*'s part for payment of the said Mortgage Mony and other usual Covenants, as by the said Indenture ready to be produced, and to which your Orator referreth himself more at large appeareth. And your Orator farther sheweth, That the said 250 *l.* or the Interest thereof was not paid at the times in the said Indenture before mentioned, nor at any time or times since whereby your Orators Estate in the said Premisses became absolute, and he and his Executors and Administrators ought quietly and peaceably to hold and enjoy the same for and during the Remainder of the said Term of fifty seven years according to the said Bargain and Sale to him made as aforesaid, and to have the possession thereof delivered to him, and the Deeds
and

and Writings concerning the same for the derivation and maintenance of his Title in and to the said Premises. - But now so it is, May it please your Lordship, that the said J. C. in or about, &c. dyed intestate, and R. C. his Relict hath taken out Letters of Administration of the Goods, Chattels, Debts, Rights and Credits of the said J. C. and thereby gotten possession of the said Mortgaged Premises pretending a Right to the Equity and benefit of Redemption of the said Mortgaged Premises, and yet refuses to pay your Orator the said Mortgage Mony, but hath suffered great Arrears to incur of the said Rent of, &c. *per annum* reserved to be paid to the said C. P. And your Orator having occasion for his Mony cannot dispose of the Premises to any Purchaser and thereby raise to repay himself the said Mortgage Mony, unless he had the same in his quiet possession freed and discharged of the Equity of Redemption of the said R. C. and she release her Interest and Equity of Redemption to the said Premises to your Orator as she ought to do in case she refuseth to pay what is due to your Orator by a short day to be limited by this Court. And your Orator hath already discovered that the said Mortgaged Premises are charged with former and other Estates, Grants and Leases made in time before your Orators said Mortgage which the said R. refuseth to discover. In tender consideration whereof, and forasmuch as your Orator is remediless in the Premises elsewhere than in a course of Equity before your Lordship. To the end therefore that the said R. C. may true Answer make to all and singular the Premises on her corporal Oath, and set forth and discover whether the said J. C. her Husband was not possessed of or interessed in such Lease from the said Company of P. as aforesaid, and whether he did not make such Mortgage thereof to your Orator as is before
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set forth, and what Deeds, Counterpart of Lease^s or other Writings she hath any way touching or concerning the said Mortgaged Premisses. And that she may discover what other Mortgages or Estates the Premisses are subject to and chargeable with, how much is in arrear and unpaid to the said Company of P. for the Rent of the said Premisses. And that the said R. C. may be compelled by the Decree of this honourable Court to pay unto your Orator the Principal Mortgage Mony aforesaid, and the Interest for the same, and his Costs and Charges of this Suit by a time to be for that purpose prefixed by this honourable Court, or in default of payment at such time and place as this Court shall direct, that your Orator, his Executors, Administrators and Assigns may hold and enjoy the said Mortgaged Premisses during the Remainder of the said term of fifty seven years free and clear of all Right and Equity of Redemption of the said R. C. or any claiming by from or under her or the said J. C. her Husband. And that the said R. C. may deliver to your Orator the Deeds and Writings which any way concern the said Premisses, and release the said Proviso or Condition in the said Mortgage to your Orator, and that your Orator may be relieved in all and singular the Premisses according to Equity and good Conscience. May it please your Lordship to grant unto your Orator his Majesty's most gracious Writ of *Subpoena*, issuing out of the High Court of Chancery, to be directed to the said R. C. &c. thereby commanding them and either of them at a certain day and under a certain pain therein to be limited personally to be and appear before your Lordship in the said honourable Court of Chancery, then and there to answer all and singular the Premisses and farther to stand to and abide such farther Order and Decree therein as to your Lordship

ship in your most grave Wisdom shall seem most agreeable to Equity and good Conscience.

And your Orator shall pray, &c.

A Bill by the Husband of the Defendants Daughter for a Marriage Portion and Mony left by way of Legacy to the Plaintiffs Wife remaining in the Defendants Hands.

To the Right Honourable, &c.

Complaining shew unto your Lordship your Orator *D. M.* of *S.* in the County of *S.* and *T. M.* his only Son and Heir Apparent being an Infant within the Age of twenty one years by the said *D. M.* his Father as his next Friend and Guardian, That whereas one *W. P.* the elder of *B. S.* in the County of *S.* Maltster, being a man of a very great Estate both real and personal, and having one only Daughter, whom as he often pretended he would greatly prefer in Marriage, frequently declared and gave out in Speeches that he would give with his said Daughter a Portion of eight or ten thousand pounds; after which Speeches and Declaration of the said *W. P.* your Orator *D.* having some intimation thereof proposed a Marriage between your Orator *T.* and the Daughter of the said *W. P.* and after that had a Meeting with the said *W. P.* and his Kinsman, they coming to your said Orators House and began to treat with him about the said Marriage between your Orator *T.* Son of your Orator *D.* and his the said *P.*'s Daughter, whereunto the said *W. P.* willingly hearkned and desired to know of your Orator *D.* what Estate he had, whereupon your said Orator *D.* did freely and truly lay open and discover his Estate, namely several Messuages and Tenements in *D. P.* of
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the yearly value of, &c. three hundred and fifty pounds *per annum* in Land at R. within the said County of S. and one hundred and twenty pounds *per annum* more in Land being the Seat where your Orator lives, besides considerable Sums of Mony upon which Discovery the said W. P. seemed very well satisfied, and said it was a very good Estate, especially whenas your Orator D. had farther declared to him, that your said Orator had entred his said Son your Orator T. a Student in the Middle-Temple and furnished him with a very good Chamber there, and intended to bring him up in the study of the Laws, and fit him for the Profession thereof. And therefore your Orator D. told him the said B. that he expected that he the said W.P. should give a very considerable Portion with his Daughter, and demanded four or five thousand pounds down, declaring farther that he your said Orator D. intended to settle upon them, if the Marriage proceeded, at present the said House and Land he lived in called S. as also the said four or five thousand pounds that he would give with his said Daughter, and for the future being his only Son, and having no more Children, he was like to have all the rest of his Estate, besides what was like farther to accrue to him from your said Orators Wife his Mother which was very considerable. All which the said W. P. seemed very well to approve and only desired some time to consider what Portion or Sum of Mony in certain he would give with his said Daughter; but before the said W. P. and your Orator parted, he the said P. declared to him your said Orator D. or his Wife in the presence of his said Kinsman and others, that nothing on his part should hinder the Match, and that he would send his Resolution to your Orator D. in a very short time, but failing in his promise, your Orator D. sent a Servant to him to quicken him in his

Answer

Answer, who returned with a fair promise from him the said *W. P.* that being now freed from some extraordinary Business, he would speedily send his full Resolution, which he hoped would be to your Orators Content : But your Orator *D.* not hearing from him accordingly, resolved to send and did send your Orator *T.* his Son, with a Servant to wait on him to require his full Resolution and positive Answer what Portion he would give with his said Daughter ; and when your Orator *T.* came to the said *W. P.*'s House he found all the kindness and inviting Entertainment imaginable, only the said *P.* could not be drawn positively to ascertain the Portion, but still held your said Orator *T.* in hand that that should make no breach between them, and that your said Orator, if the Match were once compleated, should find him a better Father than he could expect, intimating withal that your said Orator *T.* being now there, the Business might be dispatcht with much conveniency : But your Orator, seeming as in truth he was very unwilling to proceed in the said Marriage without his said Fathers Consent or knowledge and before all matters were settled and agreed upon, plainly told the said *W. P.* he durst not so far adventure his Fathers displeasure especially before the Portion should be ascertained which your said Orator earnestly pressed him to do. Whereupon the said *W. P.* seeing no other remedy, called a Neighbour of his and speaks to your said Orator, Sir, (pointing to his Neighbour) here is as honest a Man as any is in *England*, and farther said to his said Neighbour, (calling him Brother) pray stay, you know there was here within this hour Mr. *P.* which is a very good Gentleman of 800 *l. per annum* that came to my Daughter and would marry her, but turning to your said Orator *T.* told him, if he would now forthwith marry his said Daughter he the said *P.* upon the said Marriage would

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give

give him 4000 *l.* however your said Orator fearing his said Fathers Displeasure, who had sent him only to treat and not to compleat the Business without his knowledge, was altogether unwilling to agree to a present Marriage, insomuch as your Orators Servant taking notice how his Master's Son was like to be ensnared began to interpose on his behalf, but was soon threatned for his meddling to be kickt out of doors by the said *P.* so as your Orator resolved not to consent to so shameful a Surprisal until he was provoked thereto by the said *W. P.* his repeated Promises to be better than his word, and that he would interpose betwixt your said Orator and his said Fathers displeasure; and being thus unwarily over-reached without putting any Agreement into writing, and not doubting the said *W. P.* would have at all receded from his said Promise of 4000 *l.* so publickly made, but would rather have been better than his word, the very next day after upon the importunity of the said *W. P.* and his Relations and Friends there present unadvisedly married his said Daughter, expecting to have found him better than his word as he said he would be. Now so it is, May it please your Lordship, that the said Marriage having been thus craftily and surreptitiously obtained, and your Orator in truth thus over-reached and abused, the said *W. P.* notwithstanding his former Insinuations, Pretences and Promises aforesaid, though they have been married above twelve Months, now in plain terms refuseth to give any Portion with his Daughter, sometimes pretending he never promised to give 4000 *l.* with her, and sometimes giving out in Speeches that the said Promise not having been put in writing it will not in any wise oblige him, whereas in truth your Orator doubts not but to prove to this honourable Court that he had made such Promise in particular, and the better to induce your Orator *T.* to the said Marriage

Marriage, pretended he would be much better than his word, and would prove a better Father-in-Law to him than he expected; insomuch that it plainly appears the intention of the said *B.* from the beginning was to put off his Daughter without a Portion, and to take advantage of your Orators youth and unwariness, and this the rather appears to be so for that he the said *W. P.* doth not only detain from your Orator the said promised Portion and every part thereof, but refuseth also to pay several Legacies given to his said Daughter by several Friends, in particular the Sum of 200 *l.* in Mony given her by *A.* or some near Kinswoman, and all her Household Goods and Linen to the value of 200 *l.* more, which he the said *W. P.* hath received and enjoyed these ten years, and yet refuseth to pay or deliver to your said Orator since his Marriage as aforesaid, or to let your Orator know what Goods or Linen were so given. All which Practices and Dealings of the said *W. P.* are contrary to all Equity and good Conscience. In tender consideration whereof, and for that your Orators are remediless in the Premises according to the strict Rules of the Common Laws of this Kingdom, and are properly to be relieved herein as a matter of Fraud and apparent Breach of Faith and Trust. And to the end that the said *W. P.* may upon his Oath set forth, and discover the truth of all and singular the Premises, and in particular whether there were not a Treaty at the House of your said Orator *D.* concerning a Marriage between your Orator *T.* and the Daughter of the said *W. P.* and whether he the said *W.* were not made acquainted with the Estate of your Orator *D.* and whether he did not approve thereof, and declare that he would further the said Marriage what he could, or be at least no hindrance thereof, and whether he did not promise speedily to resolve what Portion he would give with

give him 4000 *l.* however your said Orator fearing his said Fathers Displeasure, who had sent him only to treat and not to compleat the Business without his knowledge, was altogether unwilling to agree to a present Marriage, insomuch as your Orators Servant taking notice how his Master's Son was like to be ensnared began to interpose on his behalf, but was soon threatned for his meddling to be kickt out of doors by the said *P.* so as your Orator resolved not to consent to so shameful a Surprisal until he was provoked thereto by the said *W. P.* his repeated Promises to be better than his word, and that he would interpose betwixt your said Orator and his said Fathers displeasure; and being thus unwarily over-reached without putting any Agreement into writing, and not doubting the said *W. P.* would have at all receded from his said Promise of 4000 *l.* so publickly made, but would rather have been better than his word, the very next day after upon the importunity of the said *W. P.* and his Relations and Friends there present unadvisedly married his said Daughter, expecting to have found him better than his word as he said he would be. Now so it is, May it please your Lordship, that the said Marriage having been thus craftily and surreptitiously obtained, and your Orator in truth thus over-reached and abused, the said *W. P.* notwithstanding his former Insinuations, Pretences and Promises aforesaid, though they have been married above twelve Months, now in plain terms refuseth to give any Portion with his Daughter, sometimes pretending he never promised to give 4000 *l.* with her, and sometimes giving out in Speeches that the said Promise not having been put in writing it will not in any wise oblige him, whereas in truth your Orator doubts not but to prove to this honourable Court that he had made such Promise in particular, and the better to induce your Orator *T.* to the said Marriage

Marriage, pretended he would be much better than his word, and would prove a better Father-in-Law to him than he expected; insomuch that it plainly appears the intention of the said *B.* from the beginning was to put off his Daughter without a Portion, and to take advantage of your Orators youth and unwariness, and this the rather appears to be so for that he the said *W. P.* doth not only detain from your Orator the said promised Portion and every part thereof, but refuseth also to pay several Legacies given to his said Daughter by several Friends, in particular the Sum of 200 *l.* in Mony given her by *A.* or some near Kinswoman, and all her Household Goods and Linen to the value of 200 *l.* more, which he the said *W. P.* hath received and enjoyed these ten years, and yet refuseth to pay or deliver to your said Orator since his Marriage as aforesaid, or to let your Orator know what Goods or Linen were so given. All which Practices and Dealings of the said *W. P.* are contrary to all Equity and good Conscience. In tender consideration whereof, and for that your Orators are remediless in the Premises according to the strict Rules of the Common Laws of this Kingdom, and are properly to be relieved herein as a matter of Fraud and apparent Breach of Faith and Trust. And to the end that the said *W. P.* may upon his Oath set forth, and discover the truth of all and singular the Premises, and in particular whether there were not a Treaty at the House of your said Orator *D.* concerning a Marriage between your Orator *T.* and the Daughter of the said *W. P.* and whether he the said *W.* were not made acquainted with the Estate of your Orator *D.* and whether he did not approve thereof, and declare that he would further the said Marriage what he could, or be at least no hindrance thereof, and whether he did not promise speedily to resolve what Portion he would give with

his said Daughter in Marriage with your Orator *T.* And whether he the said *W. P.* did not promise your Orator *T.* in case he would marry his said Daughter, a Portion or Sum of four or five thousand pounds, when, where and upon what occasion or Discourse, and in whose presence he made such Promise, and whether he did not instigate or persuade your Orator *T.* to marry his said Daughter, and what Arguments he used to induce your said Orator *T.* thereunto. And whether he were not told by your Orators Servant that it was not fit his Master should marry until things were better settled between them; and whether the said *P.* did not threaten to kick the said Servant out of doors, and why, and upon what occasion. And seeing he your said Orator *T.* hath now married her, he the said *W. P.* may shew cause, if he can, why he doth not perform his said Promise, and pay the said promised Portion, as also why he doth not pay the said Legacy of two hundred pounds besides the said Goods, and what Mony or Goods or Linen in particular he hath in his Hands belonging to her, or what were given her as aforesaid, and to what value, and may set forth in particular what Legacies have been given to his said Daughter or received by him for her, and the particulars of them, so as your Orator may be fully relieved in the Premises according to Equity and good Conscience, your Orator *D.* being ready and willing to settle such Jointure upon his said Sons Wife, although he were surpris'd in the said Marriage as this honourable Court shall think reasonable in that behalf upon payment of the Portion promised upon the said Marriage as aforesaid. May it therefore please your Lordship to grant unto your Orators his Majesty's gracious Writ of *Subpoena* issuing out of the High Court of Chancery to be directed unto the said *W. P.* thereby commanding him at a certain

tain day, and under a certain pain therein to be limited to appear personally in this honourable Court to answer all and singular the Premisses. And to stand to and abide such farther Order and Direction therein as to your Lordship shall seem most to stand with Equity and good Conscience. And your Orators shall ever pray, &c.

A Bill to be relieved against an Attachment in London.

To the Right Honourable, &c.

Humbly complaining sheweth unto your Lordship your Orator Sir R. B. of N. in the County of S. Baronet, That J. K. late of, &c. in the said County Yeoman, having been Tenant to your said Orator for divers years of a certain Farm, which he held of your said Orator, did thereby become really indebted to your said Orator in the Sum of one hundred pounds, and having not Mony in his own hands to pay the said Debt of one hundred pounds, or any considerable part thereof, did propose to your Orator that towards satisfaction of the said Mony he would make an Assignment to your Orator of a Debt of eighty two pounds due to him from one J. S. of T. in the said County; and the better to make your Orator believe that he should certainly have received the said eighty two pounds or some such Sum, he the said K. wrote several Letters to the said S. and was very earnest and importunate with him to pay the said eighty two pounds or other Sum then in his Hands to your Orator, and made an actual Assignment thereof to your said Orator. And upon divers Discourses between your said Orator and the said S. he the said S. acknowledged himself to be really and *bona fide* indebted to the said K. in the said Sum of eighty two pounds,

and faithfully promised to make payment thereof to your said Orator or his Order and to no other person whatsoever. By which seemingly fair Proposals, Discourse and Promises your Orator was for the present well satisfied, and promised not to disturb or arrest the said K. not doubting in the least but he might have received the said eighty two pounds according to the Promises and Agreements of the said K. and S. whenever he should have demanded the same. But now so it is, May it please your good Lordship, that the said K. and S. confederating together with O. T. an Attorney of his Majesty's Court of Common Pleas at *Westminster*, have endeavoured to defraud your Orator of the said eighty two pounds so assigned to him as aforesaid. And to that end the said Confederates do at some times pretend that the said K. was Debtor to the said T. in the like Sum of eighty two pounds; and that he the said T. whilst the said S. was in *London* having intimation that the said S. had of his the said K. his proper Mony the said Sum of eighty two pounds, did by virtue of an Attachment out of the said City duly issued cause the said Mony to be attached in the Hands of the said S. and had thereupon duly recovered the same, and at other times pretend that the said K. had released the said Debt of eighty two pounds to the said S. before there was any Assignment made thereof to your Orator, and so would make the said Assignment of none effect, whereas they well know that the said K. never was indebted to the said T. in any other than a small and inconsiderable Sum for Law Charges, which the said T. might demand for the Commencement of a Suit in the name and on the Account of the said K. which being never brought to a Tryal, the said T. his Fees and just Demands must be very small and inconsiderable, however the same or any other the Demands of the said T. ought

ought not to be paid out of the said eighty two pounds, the same being so assigned as aforesaid, whereby and by the Promise of the said S. to pay the Mony as aforesaid to your Orator or otherwise the property of the said Debt was altered, and your Orator became rightfully entituled to the said Mony before any Attachment did or legally could issue. And the awarding of the said Attachment and all the Proceedings thereon, as also the bringing the said Mony to L. and making it liable to an Attachment, were all done by practice and contrivance amongst the said Confederates on purpose to defraud your Orator of his just Debt, and after they had full notice and assurance that the said eighty two pounds was assigned to your Orator, and justly due to him as aforesaid. And if the said S. and T. have obtained a Release from the said K. the same was fraudulently gained, and there was none or but a very inconsiderable Sum paid as the consideration for the obtaining thereof, and purposely given to disable your Orator from recovering the said Mony, which at the obtaining the said Release they well knew or had been credibly informed, did rightfully belong to your Orator as aforesaid. And the said T. did give or promise to give some Bond or other Security to the said S. against your Orators just Demands before the said S. would be prevailed with either to procure the said Mony to be brought to *London*, or to pay any part thereof to him. That the said Confederates well know that after any Debt or just Demand that they can make from or out of the said eighty two pounds be fully paid and satisfied, the Sum of sixty pounds or some other considerable part thereof will remain undisposed of, and that the same is undoubtedly your Orators Mony; yet nevertheless they the said Confederates refuse to come to any Accompt or make any manner of

satisfaction to your said Orator of or for the said eighty two pounds or any part thereof. All which doings of the said Confederates are contrary to Equity and good Conscience. In tender consideration whereof, and forasmuch as the said *J. K.* is now become insolvent, and your Orator is wholly remediless in the Premises save by the favourable aid and assistance of this honourable Court, his Witnesses that should prove the Truth thereof being either dead, gone beyond the Seas or into places remote and to your Orator unknown, or so aged or infirm that he can have no benefit of their Testimony at any Trial at Law. To the end therefore that the said *O. T. J. K.* and *J. S.* may upon their corporal Oaths, as fully and distinctly answer all and singular the Matters and Allegations aforesaid, as if the same were again repeated and particularly interrogated. And more particularly that the said *O. T.* may set forth when, how, on what account, and in what Sum or Sums of Money the said *J. K.* became indebted to him, and when, and by what means he recovered the said eighty two pounds, or any, and what part thereof out of the hands of the said *J. S.* And that he and the said *S.* may also set forth and discover when and by whom the said eighty two pounds, or any, and what part thereof was brought to *London*, and whether the same was not so brought on purpose to subject or make the same liable to a City Attachment, and to wrong and injure your Orator after they, or either, and which of them had notice that the same was assigned to your Orator and become his proper Money as aforesaid, or how otherwise the same became liable to the said Attachment, and what Proceedings were had thereon. And that they may also set forth whether they or either, and which of them ever had and obtained, and when, and for what consideration a Release or Discharge from
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the said K. for the said eighty two pounds or other Sum, or any, and what part thereof, and when the same bears Date, and in whose presence the same was executed, and who were Witnesses thereto, and more particularly what Sum was paid to the said K. at his giving the said Release; and when, and by whom, and how much of the said eighty two pounds (after their pretended Demands are satisfied) is still remaining undisposed of. And may shew cause if any they can, why your Orator should not have the same, as also what they have already received out of the said eighty two pounds. And that the said S. may set forth whether he was not at any time and when indebted to the said K. in the Sum of eighty two pounds, or any, and what other Sum or Sums of Mony, and how. And whether he hath not several times, and how often, and when, where and in whose presence declared, or by writing or otherwise, and how promised to pay the said eighty two pounds, or other Sum which he owed the said K. or any, and what part thereof to your Orator or his Order, or to any such purpose and effect. And upon the whole matter that your Orator may be relieved according to Equity and good Conscience, May it please your Lordship to grant unto your Orator his Majesty's most gracious Writ of *Subpoena* directed to the said O. T. J. S. and J. K. thereby commanding them, &c.

P. V.

A Bill

A Bill to be relieved against a Bond taken of the Plaintiff by a Bailiff by way of Dures, &c.

To the Right Honourable, &c.

Humbly complaining sheweth unto your Lordship your Orator *W. R. of H.* in the County of *L.* Yeoman, That whereas *F. C.* Widow, who departed this Life about, &c. did by her last Will and Testament constitute and appoint your Orator and one *E. C.* Guardians of her Children *E. C.* and *A. C.* during their Minority. And the said *E. C.* who was also appointed one of the Guardians of the said Children did take upon him to dispose of the personal Estate of the said *F.* whereof she died possessed, and your Orator did buy some of her Goods to the value of eight pounds and no more; and shortly after the death of the said *F. C.* one *W. A.* designing to get the said personal Estate belonging to the said Children into his Hands, did pretend that the Right of Administration of the personal Estate of the said *F.* did belong to him, and that he ought to have the same granted unto him, and thereupon a Suit did arise in the Ecclesiastical Court, in which, for and on the behalf of the said Children, your Orator did expend fourteen pounds or thereabouts in the defence of the said Children and their Estate given them by their said Mother. But so it is, May it please your Lordship, that when your Orator had expended such Monies as aforesaid, yet the said *E. C.* and *A. C.* the Children of the said *F. G.* combining and confederating themselves with one *C. B.* a Sheriffs Bailiff of the Hundred of *E.* in the County of *L.* how to wrest and extort a Sum of Mony from your Orator, he the said *C. B.* did cause your Orator to be arrested at the Suit of them the said

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Confederates, or some of them, upon a Writ or Action for a great Sum of Mony well knowing that your Orator could not procure Bail to such Action, although in truth your Orator was no ways indebted to them or any of them, and when your Orator was in custody they would not accept of a Warrant of Attorney for an Appearance, but threatned that they would keep your Orator in Gaol unless he would give a Bond of twenty pounds penalty or some other penalty with Condition for payment of such Sum as they, or some of them pleased to insert therein, which your Orator remembers not, and they or some of them prepared such Bond and threatned that your Orator should never get out of Prison if he did not seal such Bond to the said Confederates or some of them. And thereupon your Orator was forced and compelled for the gaining of his Liberty to seal, and did by *Dures* seal to them or some of them such Bond; but the said *C. B.* did on the Sealing thereof promise and agree to and with your Orator that your Orator should be satisfied and allowed what he had paid and expended in the said Suit as aforesaid. But now so it is; May it please your Lordship, that instead of making any Allowance to your Orator in respect of such disbursements as aforesaid, they the said Confederates do pretend and threaten, that they will sue your Orator on the said Bond, and will recover the penalty thereof against your Orator, although they well know that such Bond was obtained by the means and practices aforesaid, and without any real or valuable consideration, and that your Orator is not indebted any thing to them or any of them, but there is a considerable Sum of Mony coming and owing to your Orator upon account of his said Disbursements, but the said Confederates do design to vex and oppress your Orator by and under

under colour of the said Bond, and they refuse to allow or make your Orator any satisfaction for or in respect of his said Disbursements. All which Doings of the said Confederates are very unjust and tend to the great Wrong and Injury of your Orator. In tender consideration whereof, and for that your Orator is remediless in the Premisses at and by the strict Rules of the Common Law of this Realm, and can have no Relief therein but only in Equity in this Honourable Court before your Lordship. And for that your Orators Witnesses, who can prove the truth of the Premisses, are either dead or gone into parts remote and beyond the Seas. To the end therefore that the said Confederates and every of them may set forth for what Cause your Orator was arrested, and for and upon what consideration the said Bond was given, and to whom, and what is the Date, Penalty and Condition thereof. And whether the said C. B. did promise and agree that your Orator should be satisfied his said Expences and Disbursements or to that effect. And that the said Confederates may true and perfect Answer make to all and singular the Premisses, and your Orator be relieved therein according to Justice and Equity. May it please your Lordship, &c.

Pray Process against C. B. and E. C.
and A. C. Children of F. C.

A Bill

A Bill by a Vintner to be relieved against the unjust Practices of several Merchants, who have unduly obtained several Judgments and other Securities against him.

To the Right Honourable, &c.

Humbly complaining sheweth unto your Lordship your Orator T. D. of F. in the County of S. Vintner, That your Orator having for divers years last past used the Trade of a Vintner, and kept a Tavern in the said Town of F. and during that time, having occasion to provide and furnish himself with several parcels of Wine, he did buy divers quantities of Wine of R. P. of F. aforesaid Merchant, and also of H. C. and of F. M. and S. C. all of the same Town being persons that deal and trade in the selling of Wines; and there are several Accounts between your Orator and the said Persons touching the said Trade your Orator hath of late had with them severally and respectively. And your Orator sheweth unto your Lordship that about a year since he happened to have a fall from his Horse whereby he received a great hurt in his Head, and by reason thereof he hath since been much disabled in his Understanding and Memory, and very unfit to settle his Accounts or manage his Affairs. Nevertheless your Orator trusting to the Integrity and Friendship of the persons aforesaid, and not in the least suspecting that they would take any advantage of his Weakness and Infirmary occasioned as aforesaid, was lately prevailed upon to make and enter into several Bonds, Bills or Securities to the persons aforesaid, and to acknowledge or to give some Warrant or Warrants of Attorney for the acknowledging of some Judgment or Judgments in Debt to the said Persons some or one of them,

them, they having promised to your Orator that there should be no use made of such Bonds, Judgments or Securities to the prejudice of your Orator, at least that the same or any of them should not be farther insisted upon than only for so much Mony as should appear to be justly due to them respectively from your Orator, and that no advantage should be taken of the said Securities, or any of them, till a fair and just Account were made out and stated between them, and your Orator in case he should recover his Understanding and Memory and be capable of transacting his Affairs or otherwise with such person as should be employed or intrusted with the Care of his Concerns; but your Orator sheweth that the said R. P. J. M. S. C. and H. C. not regarding their Promises and the Trust reposed in them by your Orator, but combining and confederating together to turn your Orator out of his real and personal Estate, and to share the same among themselves, have executed or do threaten to take out Execution upon such Judgment or Judgments, and to set on foot such Security and Securities, and to prosecute Actions against your Orator thereupon. Whereas upon a just and fair Account, if your Orator could obtain it to be made between them and your Orator, it would appear your Orator is very little indebted to them, or any of them, if at all indebted. And particularly your Orator sheweth that the said J. M. as he pretends procured your Orator to confess a Judgment to him in two hundred pounds Debt or some such great Sum in his Majesty's Court of Common Pleas at *Westminster* in *Michaelmas* Term last or some other Term upon which the said J. M. did sometime in *Easter* Term last or very lately take out an Execution upon the said Judgment, and levied the whole Debt recovered upon your Orator his Goods and Chattels, taking the Wines out of his Cellar and the Furniture

Furniture out of his House to a great value to the utter undoing of your Orator and diabling of him to proceed in his said Trade, whereas your Orator, as the said *M.* very well knows, hath paid all or the greatest part of the Mony due upon the said Judgment before the Execution taken out thereupon. And whereas the said Judgment was given to secure the said *M.* in some Obligation wherein he stood bound with your Orator, and your Orator hath long since discharged the said Bond and the said *M.* hath been saved harmless therein. And the said *R. P. S. C.* and *H. C.* do severally pretend that your Orator is much indebted to them, and they give out in Speeches that they have lately obtained from your Orator several Warrants of Attorney to confess some Judgment or Judgments to them, which Judgments they either have entred or will shortly cause to be entred, and do threaten to take out Execution thereupon. And moreover it is pretended by the said Confederates that they have some Lease, Mortgage or Security made by your Orator to them, some or one of them, of certain Messuages, Lands and Tenements in the County of *S.* of the yearly Value of one hundred pounds or thereabouts, whereof your Orator is seized in right of *M.* his Wife, which they threaten to take advantage of and to turn your Orator out of possession of the said Estate, whereas all such Judgments, Mortgages and Securities were obtained by the said Confederates during your Orator's Weakness, and after he had contracted a crazing in his Head by the fall from his Horse as aforesaid, and were procured by and upon some fair Pretences, Insinuations and Promises of the said Confederates that no Advantage should be taken thereof to your Orator his Prejudice. Nevertheless they the said Confederates having been lately requested by your Orator or some other person

son employed to assist him in his Business in his behalf have requested them to discover what Securities they or any of them have obtained from your Orator, and to come to an Account with your Orator touching the Debts pretended to be respectively due to them, they refuse to make such Discovery or to come to any Accompt, but do threaten to prosecute your Orator upon the Judgments and Securities they have obtained as aforesaid, and to take advantage of them with utmost Rigour and Extremity, which dealings of the said Confederates are against all Equity and good Conscience, and tend to the utter Ruin of your Orator. And forasmuch as your Orator is not relievable in the Premises by the Common Law, and for that your Orator having been by the Accident aforesaid much impaired in his Memory and Understanding, that he cannot call to mind the particular Natures, Import or Considerations of the several Securities obtained from him as aforesaid, nor can otherwise come to the knowledge of them than by the Confession and Discovery of the said Confederates, nor can make appear what Sums of Mony have been paid them for and towards satisfaction of their respective Debts, for that your Orator his Witnesses that could prove the same are either dead or in places remote beyond the Seas, and unknown to your Orator, nor can your Orator be relieved against the Penalties and Forfeitures that there may have been incurred in and upon such Securities, nor can compel the said Confederates to acknowledge satisfaction upon the Judgment or Judgments they may have obtained against your Orator or to deliver up their several Securities in case they should appear to have been gained by Practice and Circumvention, or in case all the Mony due thereupon has been paid and satisfied. But your Orator is properly and only relievable

lievable in the matters before set forth in a course of Equity in this honourable Court. To the end therefore that the said R. P. J. M. H. C. and S. C. may answer and set forth what Obligations, Bonds, Bills, Judgments, Mortgages or Securities for Mony, they or any of them, and which of them at any time, and when, and where have procured, recovered or obtained from your Orator. And that they may set forth the several Dates, Natures and Contents of such Securities, and the Names and Places of abode of the respective Witnesses to such Securities, and for what considerations they have been obtained. And whether they did not take notice that your Orator was much disabled in his Memory and Understanding by a hurt from off his Horse, or otherwise at the time of his giving or entering into such Securities, or some of them, and which of them, and whether they did then judge him capable of transacting his Affairs or settling any Account. And that they may set forth what Pretences or Promises they made or used to your Orator to induce him to give or enter into such Securities. And that they may set forth how much your Orator hath been indebted to them respectively since he traded with them, and for what in particular, and the several times when such Debt or Debts grew or were contracted. And that they may set forth what Sums of Mony or other Satisfaction they have had and received from your Orator or his Wife, or any one else in his behalf for and towards payment of their respective Debts, and at what times had and received. And particularly that the said J. M. may set forth what Mony or other Satisfaction he had and received towards the said Judgment of two hundred pounds before he took out Execution thereupon. And may set forth for what Debt or Consideration the said Judgment was acknowledged, and
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how much was justly due to him upon the said Judgment when he took out Execution thereupon, and what Goods of your Orators, and to what Value have been taken in Execution upon the said Judgment, and how, and to whom have such Goods been disposed of. And how much Mony hath been levied upon such Execution; and that the said R. P. J. M. S. C. and H. C. may come to an Account with your Orator, and may set forth how much Mony is severally and respectively due to them, and how it grew due, and may true, perfect and distinct Answer make to all and singular the Premisses. And that your Orator may have speedy Relief herein according to all Equity and good Conscience, May it please your good Lordship to grant unto your Orator his Majesty's most gracious Writ of *Subpoena* issuing out of the High Court of Chancery to be directed to the said R. P. &c: thereby commanding them and every of them at a certain day and under a certain pain therein to be limited personally to be and appear before your Lordship in the said honourable Court of Chancery, then and there to answer all and singular the Premisses, and farther to stand to and abide such farther Order and Decree therein as to your Lordship in your most grave Wisdom shall seem most agreeable to Equity and good Conscience.

And your Orator shall pray, &c.

A Bill brought against one who entred by Abatement into certain Lands descendible to the Plaintiff in the life time of the Plaintiffs Father, to discover what Title the Defendant claims to the Premises, and to bring what Writings he hath which concern the same into Court.

To the Right Honourable the Lords Commissioners for the keeping of the great Seal of England.

Complaining sheweth unto your Lordships your daily Orator *W. A.* of *E. A.* in the County of *Y.* That whereas *J. A.* your Orators Father was heretofore seized in his Demesne as of Fee, or some other Estate of Inheritance, of and in a Messuage or Tenement with divers Lands and Grounds therewith usually enjoyed, situate and being in the Parish of *M.* in the County of *C.* of the yearly Value of, &c. And the said *J. A.* being so seized about twelve years since died so thereof seized. After whose death the Premises descended to your Orator as eldest Son and Heir of his said Father, and by reason thereof your Orator ought to have enjoyed the same: But your Orator sheweth that at the time of his said Fathers death, he being abroad in Service in places far distant from the Premises, one *W. W.* alias *A.* without pretence of Title entred into the said Messuage and Premises by Abatement, and by that means got into his hands and possession all the Deeds and Evidences concerning the Premises, the same then remaining in the said Dwelling House, and having got so into possession thereof hath contrived divers secret Estates thereof, and hath ever since wrongfully detained the possession of the same from your Orator, and by reason of the late Wars (but lately ended in those parts)

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your Orator could not get relief therein, albeit he from time to time made his Claim thereunto, and hath often requested the said *W.W. alias A.* to suffer your Orator to have the possession thereof, and to recompence your Orator for the mean Profits of the Premisses, and to deliver him his Evidences, or to shew by what Right or Title he held or claimed the same. All which the said *W.W. alias A.* hath hitherto refused and as yet also doth refuse to do. In tender consideration whereof, and for that your Orator knoweth not the certain Number or Dates of the said Evidences and therefore hath no means at the Common Law to recover the same. And for that without his said Evidences he cannot maintain any Suit at Law for recovery of the said Mesuage and Premisses and the mean Profits thereof. And to the end that the said *W.W. alias A.* may upon Oath set forth by what pretence he holdeth the Premisses, and by what Conveyance and upon what Consideration, and likewise what Estates he or any by his privity hath contrived of the Premisses and to whom. May it therefore please your Honours to relieve your Orator in Equity herein, and to grant unto your Orator not only a Writ of *Subpoena* to be directed to the said *W.W. alias A.* commanding him thereby at a certain day and under a certain pain therein to be limited personally to appear before your Honours in the Court of Chancery, then and there to answer to all and every the Premisses directly upon his Corporal Oath, and to set forth by what Right or Title he claimeth the Premisses, and from whom, and for and upon what consideration, and what Estate or Estates he hath made or is privy to the making of touching the Premisses, but also a Writ of *Duces tecum* to be directed to the said *W.W. alias A.* commanding him thereby forthwith to bring and deliver into this honourable Court, all the Deeds, Writings and Evidences

dences concerning the Premises there to remain until your Honours shall have the hearing and determining thereof. And farther to stand to and abide such farther Order, &c.

W. Belt.

Bills to discover Superstitious Uses.

Information to discover an Estate that was given to Superstitious Uses, and upon what Trusts and Uses given.

Humbly complaining sheweth and informeth unto your Lordship, Sir *W. J.* Knight, his Majesty's Attorney General, by the relation of *J. B.* of, &c. in the County of *York*, That one *L. M.* late of, &c. in the County of *Lancaster* deceased, was in his Life time and at the time of his Death seized in his Demesne as of Fee, or of some other good Estate of Inheritance of and in divers Messuages, Lands, Tenements and Hereditaments of the yearly Value of 200 *l.* And was also in his Life time and at the time of his Death possessed of, interested in, and intituled unto a very great personal Estate consisting in Ready Money, Plate, Jewels, &c. to the value of 1500 *l.* and upwards. And being so seized, possessed, interested and intituled, and being not only Popishly and superstitiously inclined, but one of those that go under the Name or Notion of a Quaker or a Papist under that pretence; and having been in his Life time a very great and zealous Promoter or Patron of that Religion, with which the said County of *Lancaster* is very much infected, and being designing and designing with himself to be a considerable Patron or Agent at his Death for the carrying on of the aforesaid Sect and Schism, to the great Scandal and Offence of the true Protestant Religion, as the same is now established in their Majesties Dominions, and contrary to the

Laws of this Kingdom, and divers Statutes in that Case provided, he the said L. N. on or about the 19th day of *August* in the year of our Lord 1676. did make and publish his last Will and Testament in writing, and did thereby give and devise all his said Messuages, Lands, Tenements and Hereditaments being of the yearly value aforesaid, and also his said personal Estate to *J. G. J. P. T. P. W. W. and R. S.* (being all of them persons in the like manner disposed) and to their Heirs for ever, chargeable only with some few and small Legacies and Sums of Mony, which he thereby gave to his Relations and others, the better to colour the contrivance and design which he had of giving all the rest of his Estate to the aforesaid Superstitious, Popish and other the unlawful Uses therein mentioned, and several of the Legacies, which he did by his said Will give to his Friends and Relations, were given with this or the like qualification expressly set down in the said Will, (to wit, provided they should be and continue in the Truth) which being expounded according to the meaning of that Sect of People is so as they shall continue superstitious and Enemies to the true Protestant Church, and of his said Will did make and constitute one R. S. sole Executor in Trust only, as is thereby expressed, for the said superstitious and unlawful Uses and Purposes, and he to have no benefit thereby save 30 s. and eight Lambs, which are thereby given him for his pains in executing of his Trust. But what that Trust is, and upon what Trust the said Messuages, Lands and Premises were demised to the said *J. G. J. P. T. P. W. W. and R. S.* is no where particularly expressed; nor doth appear in and by the said Will as aforesaid, but the said *J. G.* and other the said confederate persons do very well know that the said Messuages, Lands and Premises, and the said personal Estate were to them devised for several superstitious and unlawful Uses, and in particular a great part thereof for the erecting of a Meeting-House for the said sort of People, and for the endowing thereof and raising a maintenance or Provision for their sort of Teachers and Meeters, and for the main-

maintaining and bringing up of several sorts of persons in their persuasion, and in order to the providing for them at such their unlawful Meetings, and to encourage them thereunto. And the said *L. N.* did direct and inform them accordingly and to some such end or purpose to apply and employ the same, and soon after the making of the said Will the said *L. N.* departed this Life so seized, possessed, interested and entituled as aforesaid, and being at his Death little or nothing indebted to any person or persons whatsoever. And the said Informer farther sheweth and informeth unto your Lordships that the said Surplus of the said several Estates both real and personal over and besides the aforesaid small Legacies particularly given by the said Will (which did not amount to the twentieth part of the said Estates) was in truth given and devised to the said *J. G. T. P. J. P. W. W.* and *R. S.* the Trustees, and *R. S.* the Executor, who are all of them notorious in their way and superstitiously inclined, and a great part thereof and of the profits thereof already applied by them or others for them, for the building of one or more Meeting-Houses and places for persons of that Sect and Party to meet in for the venting of their seditious Doctrin, and drawing his Majesty's Subjects from the true Protestant Religion, and their Obedience to his Majesty, his Laws and Government, and also for the Maintenance of several of their Teachers, as they call them, and of such Profelytes as they should seduce to their side and party, and otherwise for the carrying on, Propagating and Incouragement of that Sect and Party (which hath already spread it self over and infected a very great part of the said County and the Inhabitants thereof) or the said Surplus of the said Estate was given and devised to the said persons and Trustees upon some such, or to, or for the like superstitious and unlawful Use or Uses as aforesaid, or to some other superstitious and unlawful Uses well known to the said several persons, and appointed and directed by the said *L. N.* and wherewith all the said several persons, or some of them, were secretly and privately charged and entrusted,

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entrusted, but contrary to divers good and wholesome Laws and Statutes in that Case made and provided, whereby the said several Messuages, Lands and other the said Estates are now by Law become forfeited to their Majesties; and their Majesties ought therefore to have an accompt of the said several Estates real and personal, and of the particular Kinds, Natures and Values thereof, and where the same do lie, and in whose hands they are, the better to make seizure thereof according to the Laws of this Kingdom. But now so it is, May it please your Lordships, That the said *J. G. J. P. T. P. W. W. R. S.* and *R. S.* the said Executors combining and confederating together amongst themselves, and with several other persons who lie undiscovered, whom your Orator prays may be made Parties to this Bill with apt words to charge them how to defeat their Majesties of the said several Estates so become forfeit to them as aforesaid, and therewith to carry on and propagate their superstitious Uses before mentioned, to the seducing of many of their Majesties good Subjects from the true Protestant Religion and their Obedience to their Majesties and their Government, according to the Trust reposed in them by the said Testator as aforesaid, and contrary to the Laws of this Kingdom they the said Confederates, the better to bring about and effect the same, do sometimes give out and pretend that the said Testator did give and devise the said Surplus of the said several Estates to them absolutely, and not for any the ends or purposes aforesaid; and without any manner of Trust whatsoever save for the payment of the few small Legacies before mentioned, and that therefore they ought to be permitted to enjoy the same; whereas the said Confederates do in their Consciences well know that the said several Estates or any part thereof, save the 30 *l.* and eight Lambs devised to the said *Richard Sympson*, was not given or devised to them, or any of them absolutely for their or any of their own use, benefit and behoof, but that the same was in truth given and devised to them for the ends and purposes aforesaid, and for the carrying

carrying on and propagation of the said Sect and Schism, or to some other superstitious and unlawful Uses. And to that purpose, and for the better managment of the said Estate to the evil and unlawful ends and purposes aforesaid, the said Confederates and other of their Sect and Party, who are concerned in the disposition thereof and to have the benefit thereby, have nominated and appointed amongst themselves several other persons to the Relators yet unknown, and whom the Informer prays may be discovered to be joyned with the other Confederates for the management and disposition of the said Estates to the Uses and Purposes aforesaid, neither in truth is it in any sort credible that the said Testator should devise so great an Estate to the persons aforesaid, who were none of them any way related to him, especially he having a great many near and poor Relations to whom he might have devised the same. And at other times the said Confederates do pretend that the said several Estates were devised upon some other Trust or Trusts and not upon any of the said Trusts before mentioned; but upon what Trust or Trusts the same was devised the said Confederates do utterly refuse to discover. And at other times the said Confederates do pretend that the said several Estates are worth very little more than the Legacies by the said Will particularly devised, and that the said Testator died very much indebted, and that they have paid away all or the greatest part of the said several Estates in discharge of the said Testators Debts and the Legacies by him particularly and expressly devised as aforesaid. Whereas the said Confederates do in their Consciences well know that the said several Estates at the time of the said Testators death were of much greater value than would discharge the said Testators just Debts and the Legacies by him particularly devised as aforesaid, and that the said Testator died little or nothing indebted in any real and just Debts to any person or persons whatsoever; but the said Confederates the better to conceal and lessen the said Estates do pretend to have paid several great Debts,

Debts, which were not real and just Debts of the said Testator really and *bona fide* owing by him at the time of his death. And such of the said Testators just Debts as the said Confederates do pretend to have paid they did in truth compound for some small Sums of Mony, which they refuse to discover, and pretend to have paid much more in discharge thereof than they have really and *bona fide* paid, and the said Confederates do wholly refuse to make a discovery of the said several Estates of the said Testator; and which Messuages, Lands, Tenements and Hereditaments in particular, and where lying and being the said Testator died seized, possessed of, interessed or intituled unto, and what is the true and real yearly value thereof, and who hath received the Rents, Issues and Profits thereof since the said Testators death, and to what uses and purposes the same have been employed, and whether not a great part thereof in such manner as is before mentioned, and what is become thereof, and whether not such Meeting-Houses built therewith, and wherefore the same should not be pulled down and demolished. And do likewise refuse to discover what personal Estate the said Testator died possessed of, interessed in or intituled unto; and what Bonds, Leases, Mortgages, Statutes, Judgments or other Securities for Mony or other Debts were owing to the said Testator at his death, and by whom and upon what Securities the same were owing, and what ready Mony or Plate, Rings or Jewels, and what Horses, Oxen, Cows, Sheep and other Cattle, &c. And refuse to discover what Rents, Fines, Issues or other Profits they or any by their direction have made and received, or without wilful default might have had, made and received by and out of the said Messuages, Lands, Tenements and Hereditaments, and other the said Testators real Estate as aforesaid in each respective year since the said Testators death, and by whom and to whom, and what Rents and Fines or other Profits from time to time the same have been let or managed, and by whom received or might have been let or managed, and by whom received or might

might have been called in and received, and what Monies or Debts of the said Testator are yet standing out in the hands of any, and what person or persons, and upon what Security or Securities or otherwise, and which and what part of the said personal Estate of the said Testator the Confederates, any, and which of them, or any for them, or by their, or any, and which of their direction or privity have possessed themselves, or hath in any ways come to the hand or use, and how, and to whom, and when, and at and for what Rates and Prices the same particularly hath been sold and disposed of, and what was the full, real and true Value thereof, and what is become of the Residue thereof. And the said Confederates, the better to conceal the said Testators personal Estate and to lessen the Value thereof, do refuse to exhibit any Inventory thereof, or if any Inventory be exhibited, therein are divers great and under Valuations of divers and sundry parts of the said personal Estate, and thereout are divers omissions of sundry other parts of the said Testators personal Estate which are concealed; and the said Confederates do utterly refuse to make a full and perfect discovery of the particular kinds and sorts, natures and values of the said Testators real and personal Estates of their Receipts and Managements thereof, and of their dispositions thereof, and what is become of the residue thereof, as they ought for to do, that the Kings Majesty may be the better inabled for to seize the said several Estates over and besides the Testators said Debts and the particular Legacies aforesaid, which is now become forfeited to him as aforesaid, and that your Orator *J. B.* who is the Couzen and near Heir at Law to the said *L. N.* may be thereof utterly disinherited. In tender consideration whereof, and for that the aforesaid Trust or Trusts, by which the said Estate was devised to the said Confederates as aforesaid, is kept private among the said Confederates, and cannot be discovered so as to have a Condemnation and Seizure thereof according to the strict Rules of the Common Law without the Oaths of the said Confederates, the Matters having been privately handled

handled and Witnesses dead, &c. and no Relief but by the aid and assistance of this honourable Court. To the end that the said Parties may set forth and discover the truth of all and singular the Premises, and more particularly that they may set forth upon what Trust or Trusts, and to what Use or Uses, Interests and Purposes the said several Messuages, Lands and other the said Estates were devised to the said Confederates as aforesaid, and whether they have not elected and nominated among themselves divers others, and who by Name, to be Trustees and Overseers in the management and disposition of the said Estates to the ends and purposes as aforesaid, or to what other kinds or purposes. And may make a full and perfect discovery of the several Estates and of their Managements, Receipts and Dispositions thereof, and to what uses and ends the same, any and what part thereof hath been applied. And that the said Confederates may full, true and perfect Answer make to all and singular the Premises and of the several Circumstances thereof, and that as fully and particularly as if the same together with the several Circumstances thereof were again repeated and particularly interrogated in the Prayer of this Bill. And that upon full and perfect Examination and Discovery of all and singular the Premises there may be such farther Relief in all and singular the Premises as to Equity and good Conscience shall appertain. May it please your Lordship, the Premises considered, to grant unto your Orator his Majesty's most gracious Writ or Writs of *Subpoena* to be directed unto the said, &c.

Bills to discover Assets.

Humbly, &c. shew unto your Lordships Sir F. D. of, &c. Bar. F. D. Esq; and Dame E. his Wife, late Wife of E. C. Esq; deceased, and Administrator of all and singular the Goods and Chattels, Rights and Credits, which were of P. C. Gent. at the time of his decease by her said late Husband J. C. deceased, Executor of the said P. C. not
administred

administred of, together with the Will of the said *P.* annexed, That whereas *E. P.* late of *H.* in the Hill, in the County of *M. Gent.* deceased, and *W. P.* of *London Gent.* did heretofore in their Life times borrow and receive of the said *P. C.* 50 *l.* in Mony, and for the re-payment thereof with the Interest, the said *E. P.* and *W. P.* by their Obligation bearing date on or about the second day of *June*, 1652, became joyntly and severally bound to the said *P. C.* in his Life time in the penal Sum of 100 *l.* conditioned for the payment of 50 *l.* with consideration for the forbearance thereof unto the said *P. C.* his Executors or Administrators at the end of six Months then next following, or some other time shortly after as by the said Obligation and Condition thereof may more at large appear. And your Orators farther shew that the said 50 *l.* and the consideration for the forbearance thereof was not paid in the time limited in the said Obligation, or at any time since by the said *E. P.* or *W. P.* or either of them, or by any other on their behalf, but the same and every part thereof is still due and owing upon the said Bond. And your Orators farther shew that the said *E. P.* not long after, or at some time after the sealing of the said Obligation, did settle and assure to and upon *J. H. Esq;* and divers other Trustees (whose Names are yet unknown to your Orators, whose Names your Orators humbly pray may be inserted into this Bill of Complaint and made Parties thereunto when they shall be discovered) divers of his Lands, Tenements and Hereditaments situate, lying and being at *H.* on the Hill aforesaid, and divers other places within the Realm of *England* in Trust for the payment of the said Debt due and owing upon the said Obligation and of other Debts mentioned in a Schedule annexed to the said Settlement, which said Lands and Tenements were and are of the yearly Value, and the Rents and Profits thereof do amount unto the Sum of 500 *l.* and upwards, since which Settlement made the said *J. H.* and other the said Trustees have entered into and upon the said Lands and Tenements, and they the said *J. H.* and other the said Trustees, or some other

other person or persons by their permission and appointment, have had, taken and received the Rents, Issues and Profits of the said Lands and Premises which amount to the yearly value aforesaid. And the said *E. P.* being dead since the said Settlement, they have not satisfied and discharged the said Debt owing upon the said Obligation as aforesaid, but have converted the Monies raised out of and by the Rents and Profits of the Premises to their or some of their own uses and behoof. And the said *W. P.* in his Life time being possessed of and interested in a very good personal Estate to the value of 2000 *l.* and upwards, sufficient to pay all his Debts with a great Overplus, did on or about the 15th day of *September* in the year of our Lord God 1652. make his last Will and Testament in writing, whereby he bequeathed divers Gifts and Legacies of very good value unto *E. P.* and unto divers other persons in the said Will named, and all the rest and residue of his said Goods, Monies, Debts and Estate whatsoever he thereby gave and bequeathed unto his only Son *W. P.* and of his said Will did make and constitute *R. N.* Citizen and Chirurgeon of *London* his sole Executor, during the Minority of his Son *W. P.* and shortly after dyed so possessed as aforesaid. And the said *R. N.* after the death of the said *W. P.* did take upon him the Execution of the said Will and proved the same, and possessed himself, or might have possessed himself, of all the Goods, Chattels and personal Estate of the said *W.* sufficient in value to pay all his said Debts with great Overplus. And your Orators farther shew, that the said *P. C.* on or about the 14th day of *July* in the year of our Lord 1653. made his last Will in writing and thereof made the said *J. C.* his sole Executor and afterwards dyed, after whose death the said *J. C.* proved the said Will, and took upon him the burthen and execution thereof. By virtue whereof the said 50 *l.* due upon the said Bond with consideration for the forbearance thereof did of right become due and payable unto him the said *J. C.* who after the death of them the said *E. P.* and *W. P.* did acquaint the said *R. N.*
with

with the Debt due upon the said Bond, and required him to make payment thereof unto him the said *J. C.* And the said *R. N.* did often and sundry times in private between him the said *R. N.* and the said *J. C.* promise payment thereof, but in truth did never pay unto him any Mony due upon the said Bond; whereupon the said *J. C.* about the Term of *St. Michael* in the year of our Lord 1655. did put the said Bond in Suit against the said *R. N.* in the upper Bench at *Westminster* thereby endeavouring to recover the said Debt, and to compel him the said *R. N.* to make satisfaction thereof. But he the said *J. C.* before he had recovered or received any Mony due upon the said Bond in or about the Month of *June* died intestate, after whose death the said *E.* by virtue of the said Letters of Administration took upon her the Administration of the Goods and Chattels, Rights and Credits which were of the said *P. C.* at the time of his death by the said *J. C.* unadministred of, together with the Will annexed of the said *P. C.* as-aforesaid, and by virtue of such her Administration was justly intituled to the Debt due upon the said Bond, and hath several times before her Intermarriage with the Complainant *F. D.* her now Husband, demanded the said Monies due upon the said Bond with the consideration for the forbearance thereof of the said *R. N.* and the said *J. H.* But now so it is, May it please your Lordships, the said *J. H.* and the other Parties aforesaid, and *R. N.* by Combination with the said *E. P.* and *W. P.* whose Guardian the said *R.* is during his Minority, do endeavour to defraud your Orators of their just and due Debt; and the said *J. H.* and other the Trustees of the said *E. P.* refuse to perform the said Trust, utterly concealing from your Orators the said Settlement of the said Lands made by the said *E. P.* upon Trust as aforesaid. And the said *R. N. E.* and *W. P.* conceal the greatest part of the said Testators *W. P.* his Estate, and although they pretend they have exhibited an Inventory thereof into the Prerogative Court or any other Court or Courts lawfully authorized to receive the same, or if any be exhibited

exhibited by them the same is not a true perfect Inventory of the said *W. P.*'s Estate, but many things of great Value are omitted to be inserted therein, and other part of the said Estate is very much undervalued in the appraisment thereof; and there are several Sums of Money owing unto the said *W. P.* deceased by several persons unknown to your Orators, which the said *R. N. E. P.* and *W. P.* the Son by the Combination aforesaid do conceal, and do now give out in Speeches that the said *W. P.* died much indebted more than the Estate will satisfy, on purpose to drive your Orators to some low Composition, and to abate part of their said Debt, whereas in the mean time the said *R. N.* by the Combination aforesaid hath paid and doth pay divers Legacies, and satisfy divers Debts without Specialty, and hath confessed several Judgments for greater Sums of Money than indeed was due and owing by the said *W. P.* and refuse to pay and satisfy the said Debts unto your said Orators, although they your said Orators have often in a friendly manner requested them so to do. And your Orators farther shew unto your Lordships, that your Oratrix *H.* before her Intermarriage with the said *F. D.* her now Husband, for recovery of the said Debt, was compelled and enforced lately to put the said Bond in Suit at the Common Law against the said *R. N.* and the said *R. N.* hath thereto pleaded he hath fully administered all the Testator's *W. P.*'s Estate. And your Orators not being well able to find out the particulars of the said Testator *W. P.*'s Money, Plate, Goods and Estate, nor discover what Debts and Legacies the said *R. N.* hath unduly paid, and what Debts are owing to the said *W. P.*'s Estate, nor by whom the same are owing, nor in whose hands the said Debt-Books Debts or other Specialties are, and not being able to discover the same but by the aid and assistance of this honourable Court, and by the Answers of the said *R. N. E. P.* and *W. P.* unto whom the same are very well known, did formerly exhibit their Bill of Complaint in this honourable Court against them the said *R. N. E. P.* and *W. P.* unto which Bill the said *R. N.*
and

and *W.P.* do put in very insufficient and imperfect Answers, and have since procured your Orators said Bill to be dismissed for some neglect of your Orators Clerk, whereby your Orator will be altogether remediless in the Premises, but by the farther aid and assistance of this honourable Court against such doings and proceedings of the said Confederates which are contrary to Justice and Equity. To the end therefore that the said Confederates may set forth and discover whether the said *E. P.* did grant, convey and assure to the said *J. H.* or any other person or persons, and to whom, any Lands or Tenements for the payment of his said Debts, and if yea, when any such Grant or Conveyance was made, and where such Messuages, Lands or Tenements do lie, in what Parishes, Towns, Places and Counties, and in whose Tenure and Occupation the same are in, and what Rents have been yearly paid for the same since the said Settlement, and to whom, and what Rents and Profits, Sum or Sums of Money the said *J. H.* or any other person or persons by his or any other of the said Trustees Consent or Privy, hath or have had, made or received out of or by the said Messuages, Lands, Tenements and Premises since the said Settlement, and how he and they have or hath disposed of the same, and may set forth what Debts he the said *J. H.* or any other of the Trustees have paid and satisfied since the said Settlement so made, and to whom owing, and whether the said Debt due upon the said Bond be not one of the Debts mentioned and inserted in the said Schedule for payment whereof the said Settlement was made, and the said *J. H.* and other the said Trustees, or any of them, is or are intrusted as aforesaid. And that the said Confederates may set forth and discover what ready Money, Plate, Jewels or other personal Estate the said *W.* died possessed of, and what part thereof at any time since the death of the said *W.* hath come to their or any of their hands and possessions, and what Debts were owing to the said *W.* at the time of his decease, and from whom, and upon what Security or Securities, and what Debts have been by them

or any of them received, and of whom, and where such person or persons dwell, with their Names and the particular places of their abodes, from whom and by whom such Debts were owing. And also to set forth what Debts and Legacies the said R. N. or any other by his Privy, Permission or Consent hath or have paid, and to whom, and what they or any of them have agreed to pay for the Debts owing to the said W. whether at a lower rate than they are mentioned, and the Specialties whereupon the same are due, and that the said J. H. and R. N. or one of them, may be compelled to pay and satisfie unto your Orator the said Debt and Damages, or may shew good cause to the contrary. And that all and every of the said Defendants may upon their corporal Oaths make a full and perfect Answer unto all and singular the Premisses, and your Orator may be relieved therein according to Equity and good Conscience. May it please, &c.

Bills to discover a Title.

Sect. 1.

The Complainant exhibits his Bill to discover his Title, and to be relieved against a Verdict.

Humbly complaining sheweth, &c. your Orator J. F. of London, Gent. That whereas heretofore (that is to say) in or about the Month of *August* 1635. your said Orator did purchase to him and his Heirs of Sir R. H. and Dame M. his Wife since deceased, G. M. Esq; and M. his Wife, and K. S. (which said M. M. and K. were Daughters and Co-heirs of T. S. Esq; deceased) and also of W. H. Son and Heir apparent to the said Sir R. H. all that the Manor or Lordship or reputed Manor or Lordship of G. *alias* G. with the Appurtenances in the County of D. (for which your Orator paid the Sum of 4000*l.* or thereabouts) and afterwards your Orator entred and hath enjoyed the same ever since, and ought so to do without

out any Claim to be made to the same or any part thereof by any person whatsoever. And your Orator farther sheweth that heretofore the said Manor of G. before your Orators Purchase thereof, did consist of the Lands which are your Orators, and of the Milk-house and the Broom-house, and your Orator did only purchase G. and the said Milk-house, but did not purchase the Broom-house; but the said Broom-house before that time was conveyed by the said T. S. or his Heirs to one J. W. and his Heirs, and as well the said Lands of your Orator as the Broom-house were all together called G. and were enjoyed together by the said T. S. and his Heirs, and do contain in the whole 1100 Acres or thereabouts. And your Orator sheweth, That the said Lands so purchased by your said Orator do consist of eleven Farms and Lands thereunto belonging, and were anciently divided into eleven several Farms, and yet so that every several Farm was not of equal value to the other, but some were of greater, and some were of lesser yearly value and did contain a lesser quantity of Lands than the other. And your Orator sheweth, that amongst the said eleven Farms there is one small Farm or Tenement and Land thereto belonging called *Watsons Farm* which was thenceforth reputed to be of the yearly value of 4 or 5 *l. per annum*, and since the valuing of the said several Farms hath been held promiscuously with the said other Farms, and the Lands to the said Farm or Tenement belonging do lie dispersedly in the Common Fields of G. and by reason of the long unity of Possession, the Meets, Bounds and Land-Marks thereof cannot be known nor distinguished. And your Orator sheweth, that heretofore in the time of the Reign of King *Edward* the Sixth the Earl of *Rutland*, that then was, being seized of the said Farm called *Watsons Farm* in Fee, made a grant thereof unto the said J. W. and his Heirs, and by virtue thereof the said W. became seized of the said Farm and Lands to him and his Heirs; and afterwards the said J. W. being seized in his demesne as of Fee of a Farm, and certain Lands situate, lying and being in F. in or near the County afore-

said in due manner and form of Law exchanged with the abovesaid *T. S.* the said Farm and certain Lands of his in *F.* in or near the County aforesaid, for the said Farm called *W. Farm*, and by virtue thereof the said *T. S.* became seized in his Demefne as of Fee, of and in the said *W. Farm* and held and enjoyed the same during his Life, and was not opposed or disturbed therein, and the same descended to his said Daughters and Co-heirs of whom your Orator purchased as aforesaid. And your Orator sheweth, that now of late *J. Earl of Suffolk* by Practice and Combination between him and one *W. S.* his Servant, Trustee and Agent and other persons unknown, (whose Names when your Orator knows your Orator prays may be here inserted and made Parties to this Bill with apt words to charge them) do endeavour to gain from your Orator the said Farm and Lands thereunto belonging called *Watsons Farm*, and for that purpose the said Confederates do give out and pretend that the said Farm and Lands were granted by the said Earl of *Rutland* long before the Grant made unto *Watson* as aforesaid unto the said King *Edward* the Sixth, and that the same did afterwards descend to the late Queen *Elizabeth*, who made a Lease thereof to the said *T. S.* for 21 years at and under the yearly Rent of, &c. and border Service; and that afterwards King *James* granted the said Farm to the late Earl of *D.* and his Heirs, who afterwards gave the same to *J. S.* late Earl of *Suffolk* deceased and his Heirs, and that the same afterwards descended to the said now Earl of *Suffolk* as Heir to the said *J. S.* his Father, when as in truth there is not nor ought not to be any such Title set on foot against your Orator, but the said Farm and Lands was always reputed and held to be part of *G.* and part of the Possessions of the said *T. S.* deceased, from whom your Orator claims as aforesaid, and neither the said *T. S.* nor his Daughters and Co-heirs of whom your Orator purchased, ever paid any Rents for the said Lands called *W. Farm*, nor did your Orator pay any Rent for the same, nor was your Orator ever till of late knowing of such pretended

pretended Title, but conceived that the said *T. S.* was seized thereof in Fee, and that his said Co-heirs had power to grant the same, and your Orator in his Purchase paid for the same accordingly. And in pursuance of the said Combination the said Earl of *S.* about a year since brought an Action in Ejectment against your Orator for the Trial of his Title to the said Farm and Lands, and thereby declared against your Orator for two Messuages, fifty Acres of Land, and fifty Acres of Pasture with the Appurtenances in the Parish of the Holy Island, and brought the said Action to Trial against your Orator at the last Assizes held for the said County of *Durham*, and thereupon producing and giving in Evidence, the said Lease pretended to be made by the said late *Queen Elizabeth* to the said *T. S.* at and under the said yearly Rent of 30 *s.* and your Orator being surprized therein, not knowing any thing of the said Conveyance made by the said *W.* to the said *J. S.* in exchange for his Lands in *F.* the Jury gave a Verdict for the then Plaintiffs Title against your said Orator for two Messuages, fifty Acres of Land, fifty Acres of Meadow, and fifty Acres of Pasture in *G.* which in deed was more than the said Plaintiff made Title to, for he gave Evidence but for one Messuage, and the said whole Manor and Lands of *G.* (the said Broom-house and the said Lands thereto belonging being included) doth not contain above 1100 Acres, and the said Earl lays Claim but to an eleventh part thereof, so that the said Verdict is given for a greater parcel of Lands than the said Manor and Lands will bear, yet the said Earl of *S.* doth endeavour to lay Execution upon part of the said Manor and Lands in *G.* in your Orators Possession only for two Messuages, fifty Acres of Land, fifty Acres of Meadow and fifty Acres of Pasture, and will take the same out of all your Orators Lands alone, and did not make the said *J. W.* who is Owner of the Broom-house which is part of the Manor of *G.* aforesaid, Party to the said Suit; nor could your Orator for want of the Deeds of Purchase made by the said *T. S.* make defence against the Title then set on Foot by the said Earl, and by this

means your Orator shall be very much wronged in the Premises unless he be in the Premises by the wonted Clemency of this honourable Court relieved. And therefore your Orator humbly prays before Judgment be entred or Execution taken out upon the aforesaid Verdict, the Earl of S. may be compelled to make it appear to this honourable Court what the Value of the said *W.* Farm was, and where and in what several places of the said Manor the said Manor called *W.* Farm doth lye; and also that the said Earl of S. may be restrained from laying the said Recovery wholly and only upon your Orators Lands, and may lay the same in part upon the Lands of the said *W.* called *B.* according to the Proportion of the quantity of the said Lands called *B.* they being part of the said Manor of *G.* and included therein, and if the Earl of S. and the said *W. S.* (whose Name is used in the said Ejectment) shall refuse so to do, then your Orator humbly prays he may have a Contribution against the said *J. W.* proportionable to the quantity of Lands which he enjoys; for your Orator humbly conceives that it is contrary to Equity that your Orator being a Purchaser for a valuable consideration and after so long a cessation, and your Orator having enjoyed the said Lands so long without interruption should now have an eleventh part of his Estate taken from him by and upon the pretences aforesaid. And the said Confederates because, as they pretend, they do not know where the said Farm nor Lands do lie, nor where they are abutted or bounded, do intend to take the same out of the best part of your Orators Lands, whereas in truth the said *W. S.* his Farm was not above the yearly value of 4 or 5 *l. per annum*, and did not contain so many Acres of Land as the said Earl and the other Confederates do pretend, which he being a Stranger to the passages aforesaid and to such matters as he hath since discovered could not at the said Trial make appear, and therefore and for the Reasons aforesaid, and for that your Orator cannot at Law in case the said Recovery shall stand, or in case any future Recovery shall or may be had against

against your said Orator upon the said Title of the said Earl have any contribution against the said *J. W.* proportionably to the Lands which he enjoys called *B.* and part of *G.* and for that your Orator hath no means but in this honourable Court to recover the Possession of the said Lands called *W. Farm*, nor to prove the Title of the said *T. S.* thereto by and from the said *W.* upon the said Exchange for want of the Deeds and Evidences demonstrating the same which are casually lost and come to the hands of the said Confederates, or some of them; and your Orator doth not know the Number, Dates or Contents of them or any of them, nor whether they or any of them be in a Bag or Box sealed, locked or unlocked, and therefore cannot bring an Action at Law for the Recovery thereof. And also your Orator hath no means but in this honourable Court to discover the several Plots and Practices of the said Confederates in endeavouring to lay the burthen wholly upon your Orator, and for that the persons who should testify the truth in the Premises are either dead, gone beyond the Seas or in places remote and unknown to your Orator, he is without all remedy at Law, and therefore properly to be delivered by and before your Lordship in this honourable Court of Equity. To the end therefore that the said *J. Earl of S.* and the said *W. S.* and the said other persons when their Names shall be discovered may set forth what Right and Title the said Earl hath in and to the said Farm and Lands called *W. Farm*, by and from whom made, and when first created, and what the value thereof is yearly, and what quantity of Land, Meadow and Pasture is thereto belonging, and where the said Lands do lie, and how the same are abutted and bounded, and why he hath stayed so long from commencing Suit for the same, and how many Houses are thereupon. And that the said Earl and *W. S.* may be enjoined from laying their Execution upon all your Orators Demesnes where they please, but may lay the same upon the Lands which do and did anciently belong to the said Farm, and that for distinguishing the said Farm and

Lands from other your Orators Lands a Commission may issue out of this honourable Court, and that your Orator may have Contribution against the said *J. W.* proportionable to the quantity of his Lands for relief against the said Recovery against your said Orator. And that the said *J. Earl of S. W. S.* and *J. W.* and every of them, and the said other Confederates, when their Names shall be discovered, may answer and set forth the Truth of all the Premises, and that your Orator may have Relief in all and every the Premises according to Justice and Equity, May it please your Lordship, &c.

Sect. 2.

The Complainant being a Purchaser for a valuable consideration, and the Defendant pretending a Title to his Estate exhibits this Bill to compel him to produce his Writings, and set forth his Title.

Humbly, &c. sheweth, &c. your Orator *A. B.* of, &c. That one *C. G.* being seized in his Demesne as of Fee or of some other good Estate of Inheritance of and in all those three Closes, &c. situate, &c. and being so seized he the said *C. G.* for a good and valuable consideration to him paid by your Orator due about eight years since by good Conveyances and Assurances in the Law duly executed, did convey and assure the said Premises to your Orator and his Heirs, as by the same ready to be produced may appear, by virtue whereof your Orator is lawfully seized of the said Premises, and hath enjoyed the same, and ought so to do according to his Purchase. But so it is, May it please your Lordship, That one *E. D.* having gotten into his hands or Custody some Deeds, Evidences and Writings concerning the said Premises doth pretend Title thereunto by or under some Deed or Conveyance made or pretended to be made by one *W. B.* of, &c. deceased, Uncle of the said *C. G.* to him the said *C. G.* or to some under whom he claims, or otherwise; whereas your
Orator

Orator doth aver, and the said C. G. doth very well know, as the Truth is, that the said E. D. had not any Estate or Interest in the said Premises or any part thereof; or if he had, the same was only in Trust for the said C. G. or else the same was some Estate for Life or for some Term of years which is long since expired. And that he the said E. D. had not any Power to make such Grant or Conveyance as the said C. G. pretends to have of the said Premises, or if he had such Power, yet the said Deed or Conveyance under which the said C. G. claims, was voluntary and without consideration, and was fraudulently obtained; or else the same was upon some Trust, Condition or Agreement, which hath been long since performed, or was with power of Revocation and hath been revoked accordingly, and no Possession went with or under the said pretended Deed or Conveyance. And the said E. D. pretends that the said C. G. under whom your Orator claimeth, had not any Estate in the said Premises whereas he doth well know that he had such Estate as aforesaid, and so it would appear if the Deeds, Evidences and Writings touching the same were produced. And therefore the said C. G.'s Proceedings herein are contrary to Equity and good Conscience. In tender consideration whereof, and forasmuch as your Orator doth not know the certain Dates, Effects and Contents of the said Deeds, Evidences and Writings, nor wherein they are contained, so that he is remediless in the Premises by the strict Rules of the Common Law, but is properly for Relief therein, and for the discovery of the matters aforesaid by and upon the Oath of the said C. G. and the rather for that the Witnesses, who could prove the Premises, are either dead, gone beyond the Seas, or live in places remote or unknown to your Orator. To the end therefore that the said C. G. who knows the Premises to be true may thereunto a full and perfect Answer make, and in particular set forth and discover what Right, Title or Interest he or any other, or who in Trust for him, hath or claimeth in or to the Premises so purchased by your Orator

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as aforesaid, or any, and which part thereof, and by virtue of what Deeds or Conveyance; and may set forth the Dates, Contents, Effects and Consideration, and whether the same was really paid and by and to whom, and when, and who are or were Witnesses thereto, and where they live, and upon what Trust, Agreement, Provisoes or Powers the same was executed, or whether they have been performed or revoked; and may discover what Deeds, Evidences and Writings he the said C. G. or any other, and who by his Order, Privity or Direction hath or ever had touching or concerning the said Premises, and the Dates, Effects and Contents thereof, and that your Orator may have a full discovery and such Relief in the Premises as shall be agreeable to Justice and Equity; May it please, &c.

Bills to bring an Executor to an Account with his Co-Executors according to a mutual Agreement.

Sheweth unto your Lordships your Orator E. F. of, &c. in the County of G. Esq. That whereas J. H. late of the City of London Grocer, being in his Life time possessed of a large personal Estate as well of his own as of A. H. his Brother deceased, to whom he was sole Executor, consisting in ready Mony, Plate, Jewels, Merchandises Adventures and sundry Debts by Bonds, Bills and other Securities for Monies and Book-Debts, and other Goods and Chattels amounting to the value of 10000 l. on or about the 20th of July 1648. made his last Will and Testament in writing, and thereby devised that after his Debts and Legacies (which were but small) and his Funeral Expences discharged, all the rest of his Goods, Chattels and personal Estate should be equally divided amongst his Executors therein named. And of his said Will did make and ordain your Orator E. F. B. H. N. H. and R. A. his Executors, and about the 23d of May 1649. died so possessed as aforesaid, and after his decease your
Orator

Orator and the said other Executors made Probate of the said Will, and took upon them the Execution thereof. And to the end the Estate of the said Testator, and of the said *A. H.* might be discovered, inventoried and duly administred in payment of the said Testators Debts and Legacies, and an equal division be made of the residue thereof according to the said Will they the said *B. H. N. H. R. A.* and your Orator came to a mutual Agreement whereby it was agreed between them in manner following (*viz.*) That neither he the said *R. A.* his Assign or Assigns had any way wasted, destroyed or imbezilled any part of the Estate, Goods or Chattels whatsoever of the said Testators, or of the said *A. Hydes*, and that he, his Executors, Administrators and Assigns should not nor would at any time then after waste or conceal the same or any part thereof, but should and would from time to time recover and reveal unto your Orator and to the said *B. H. and N. H.* and every of them, all and every part and parcel of the said Estate, and all Bills, Bonds, Specialties or other Writings touching or concerning the same, whereof he the said *R. A.* his Executors, Administrators or Assigns, or any other person or persons to his or their, or any of their knowledge, or by or with his or their Privy then was or were, or at any time then after should be possessed, and should and would truly accompt with the said *B. H. N. H.* and your Orator and every of them, for all and every part and parcel of the said Testator, and the said *A. H.*'s Estate which he the said *R. A.* his Assignee or Assignees then had, or then after should or might have in his or their Hands or Possessions. And also should and would discover all such Debts, Sum or Sums of Mony whatsoever wherein he himself stood indebted or any other person or persons stood indebted to his or their knowledge to the Estate of the said Testator or of the said *A. H.* and should and would bring in and pay unto the said Testators Estate all Debts whatsoever owing by him the said *R. A.* either unto the said *A. H.*'s Estate, or unto the said Testator at
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the time of his death. And it was farther agreed, That the said *R. A.* his Assignee or Assignees then had not delivered up, cancelled or released. And that he, his Executors, Administrators or Assigns should not nor would at any time then after deliver up, cancel or release any Bonds, Bills or Specialties, or any Debt or Debts whatsoever due or any way belonging to the Estate of the said Testator or of the said *A. H.* wherein any person or persons stood bound or indebted unto the said Estates or either of them. And that he should not convert or employ any part or parcel of the said personal Estate without the consent and allowance of your Orator and of the said *B. H.* and *N. H.* and every of them. And that he the said *R. A.* his Executors, Administrators and Assigns should and would justly and truly accompt to and with your Orator and the said *B. H.* and *N. H.* their Executors, Administrators and Assigns for all Sums whatsoever belonging to the said Testators Estate, or to the Estate of the said *A. H.* then already received, or which should at any time then after be received by him the said *R. A.* his Executors, Administrators or Assigns from any person or persons whatsoever indebted to the said Estates or either of them. And it was thereby farther agreed, that after all the Debts, Legacies and Funeral Expences of the said Testator were fully satisfied and paid, that the Remainder and Surplusage of the said Testators and the said *A. H.*'s personal Estate which should be remaining in their or any of their Hands or Custody or in the Hands or Custody of any other person or persons by their or any of their Knowledge, Privity or Direction should be brought in and equally divided amongst your Orator and the said other Executors according to the intent and direction of the last Will and Testament of the said *J. H.* And thereupon the said *R. A.* was intrusted by your Orator and the other Executors to receive all and every the Sum and Sums of Mony due to the said Estate which he did receive accordingly. And your Orator well hoped that the said *R. A.* would have truly

truly performed his Agreements as aforesaid, and rendred a just or true Accompt of the said Estates whereby the Debts and Legacies of the said Testator might have been paid, and your Orator discharged from the same, and have received his Dividend and Share of the residue thereof according to Equity and good Conscience. But so it is, May it please your Lordship, that the said *R. A.* taking advantage of his residence in *London*, where most of the said Testators Estate did lie, and of your Orator, and the said other Executors remoteness from thence, and having been an Apprentice to the said *A. H.* and thereby became well acquainted with all the Creditors, hath taken upon him to call in and receive all the Monies, Debts, Goods and Chattels lately belonging to the said *A. H.* and *J. H.* to a very great value and without the Consent and Allowance of your Orator and the said other Executors, and paid some Legacies, but utterly refused to deliver any Accompt of the same or the Surplusage thereof unto your Orator and the said *B.* and *N. H.* or to pay any part thereof during the Lives of the said *B.* and *N.* who are since deceased, and doth refuse still to make any Accompt of the same, or pay any part thereof unto your Orator since their decease, but wholly conceals the same from your Orator, and without the Consent or Approbation of your Orator or of the said *B.* or *N. H.* when they were living, hath taken upon him to compound divers of the Debts owing to the several Estates aforesaid at very small and low Rates contrary to his Agreement aforesaid, and in particular the said *R. A.* without the knowledge or consent of your Orator hath taken out several Sums of Money out of the *East-India House London*, amounting to a great value, as also several Bags of Pepper to the value of 280 *l.* and upwards, besides several other parcels of Goods, and Deductments of Money, all which were due and belonging unto the Estate of the said *J. H.* and *A. H.* or one of them. And he the said *R. A.* likewise without the Consent or Allowance of your Orator hath made Sale of the said Pepper at
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under values, and to persons whom he knew to be insolvent, and therefore ought to be accountable and answerable unto your Orator for your Orators Share as well of the Proceed and Value of the said Pepper as of all other Monies which he hath had and received from the said *East-India-House* or Company aforesaid which were belonging unto the Estate of the Testator aforesaid or unto the said *A. H.* or one of them. And he the said *R. A.* hath recovered at Law in the said Executors Names, and accordingly received from one *D. W.* the Sum of 681 *l.* 2 *s.* and 2 *l.* 13 *s.* 4 *d.* for Costs of Suit besides other Sums of Mony for Costs at Law; and hath also received several other great Sums of Mony by Book-Debts, all which several Sums aforesaid were due and belonging unto the Estates aforesaid, the Monies whereof by reason of the death of the said *B.* and *N. H.* ought to be paid unto your Orator; and the said *R. A.* ought according to the said Will and Agreement to be accomptable and answerable unto your Orator for the same, but the said *R. A.* utterly refuseth to give unto your Orator any Accompt either of the Sums before particularly mentioned, or of any other Sums of Mony, Goods or Chattels whatsoever belonging unto the Estate of the said *J. H.* and *A. H.* or either of them, but disposeth of the same to his own use, and yet suffereth divers great Legacies both of the said *A.* and *J. H.* to continue unpaid, leaving your Orator likewise subject to several Suits and Troubles concerning the same. All which doings of the said *R. A.* are contrary to the said Will and Agreement aforesaid, and contrary to all Right and good Conscience. In tender consideration whereof, and for that your Orator being a Stranger to the Trade and Dealings of the said *J.* and *A. H.* hath no means by the strict Rules of the Common Laws of this Realm to discover the personal Estates of the said *A.* and *J. H.* the same consisting principally in Merchant Affairs, without the Oath of the said *R. A.* in this honourable Court; and the rather for that he the said *R. A.* hath gotten into his Hands and Custody all the

the Books of Accompts, Notes, Papers and Writings, Bills, Bonds, Evidences and Securities for Mony, which belong unto and would discover the Debts and Estates of the said *A.* and *J. H.* and refuseth to produce or shew the same unto your Orator or any other on his behalf. To the end therefore that the said *R. A.* may upon his Oath produce all the Books, Notes, Accompts, Bills, Bonds and other Securities for Mony, and all other Writings that any ways concern the Estates of the said *A.* and *J. H.* which he the said *A.* hath or can come by; and may likewise upon his Oath set forth a true and perfect Inventory and Accompt of all and singular the Ready Mony, Plate, Jewels Securities for Mony, Debts, Wares, Goods, Merchandizes, Chattels, Adventures and personal Estate of the said *A.* and *J. H.* or either of them, whereof they or either of them, or any other for their or any of their use or uses was or were possessed, or wherein they or either of them was or were any ways interessed either in Law or Equity at the time of their respective deaths, and the particulars and particular Values thereof, and how much, and what part thereof hath at any time come unto the Hands, Custody, Possession or Knowledge of him the said *R. A.* or to the Hands or Possession of any other person or persons in Trust for him or by his Assent, Privy or Delivery, and the true and full Value of all such Goods, Chattels, personal Estate and Premisses, and how the same and every part thereof have or hath been disposed of, and how much Mony he hath made or received out of the Estate, and how much Mony remains yet due and owing thereunto, and from whom. And that the said *R. A.* may set forth the Natures, Dates and Contents of the said Debts and Securities for Mony belonging to the said Estates, and the Names, Additions and Places of abode of all the persons engaged to pay, and what Sums, and when, and how much thereof hath been paid, and by whom, and whether for Principal or Interest, and how much for the one, and how much for the other. And in particular
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what Sum or Sums of Mony, or what quantity or quantities of Pepper he the said *R. A.* hath had or received from the *East-India* House or Company aforesaid belonging unto the Estates aforesaid or one of them, and of what Value the same was, and what it cost the taking out, and to whom the same was sold, and for what price or prices; and whether he hath not received, as belonging unto the same Estate, of and from *D. W.* aforesaid the Sum of 681 *l.* 2 *s.* or how much he did receive for Costs of Suit in Law or Equity, and may be accomptable and answerable unto your Orator as well for the Moiety of the same as of all other the Goods and personal Estate of the said *A.* and *J. H.* and may be compelled to pay the same unto your Orator accordingly. And that the said *R. A.* may true and perfect Answer make to all and singular the Premisses, and your Orator be relieved therein according to Equity and good Conscience. May it please your Lordships to grant unto your Orator, &c.

Appeals

Appeals in Parliament.

Sir J. B. Knt. R. N. and N. N. Complainants,
against
 Chr. N. Defendant.

To the Right Honourable the Lords Spiritual and
 Temporal in Parliament assembled,

The humble Petition and Appeal of Sir J. B. Knt.
 R. N. and N. N.

Sheweth,

THAT J. N. late Father of your Petitioners
 R. N. and N. N. deceased, was seized in Fee of
 a Capital Messuage and Lands called H. in the
 County of T. of the Value of 50 l. *per annum*,
 That the said J. N. had divers Sons, *viz.* J. N. his
 eldest Son, your Petitioners R. N. and N. N. That
 the said J. N. your Petitioners Brother designing to
 intermarry with one A. H. who had to her Por-
 tion some Lands to the value of 20 l. *per annum*
 there might be some discourse between the Rela-
 tions of the said A. and the said J. N. the elder
 touching the Settlement of the said Messuage and
 Lands called H. upon the said J. N. the younger,
 and the said A. for her Life, but the same was not
 reduced into writing, or if the same were, yet no
 Deeds were legally executed; and if the said A-
 greement was reduced into writing the same was
 made void by a subsequent Agreement and Deed
 duly executed bearing date the first day of Febru-
 ary in the 17th year of King Charles the Second
 by the consent of the said J. N. the Father and his
 Son J. N. and all Parties concerned therein. By
 Q which

which Deed so duly executed and upon an Agreement to pay Debts of *John* the Father, and for Portions for his younger Children the said *J. N.* the Father did settle the same upon your Petitioners the said *N.* and *R.* the said *J. N.* the elder, having before by the consent of his said Son *John* the younger, sold his Lands in *F.* in the said County to the value of 56 *l. per annum* to be as a Portion for his said Son *John* the younger in lieu of the said Lands of *H.* And *John* the Son had the Mony for the same, and thereupon gave his Consent to the said Settlement on your Petitioners, which Settlement was to the said *J.* the elder, and his Wife, for their Lives and after to your Petitioners, the said *R.* and *N.* and their Heirs. That the said *J. N.* the younger died in his Fathers Life time, having been married to the said *A. H.* and had Issue the said *C. N.* That *J.* the younger is deceased. That *J.* the Grandfather did enjoy the said Messuage and Lands during his Life, and your Petitioners *N.* and *R.* after the death of the said *J.* the elder, having paid 300 *l.* Debts for him the said *J.* the elder, did by virtue of the said Deed of Settlement possess themselves of the said Lands and Premises, and wanting Mony to pay the said Debts, did mortgage the said Capital Messuage, Lands and Premises to your Petitioner Sir *J. B.* Knight for the Sum of 300 *l.* and your Petitioners have been all along in quiet possession of the said Lands without any Pretence or Claim ever since the death of the said *J. N.* the Grandfather. And some years since your Petitioner Sir *J. B.* was put into the peaceable Possession thereof for the said Sum of 300 *l.* with the Interest. That the said *C.* the Grandson having lately exhibited his Bill into the Court of Chancery for the same Lands and claiming the same under pretence of his Fathers Marriage Agreement. And your Petitioners *N.* and *R.* having
answered

answered the said Bill denying the whole Equiry thereof and Witnesses being examined, but not fairly as they ought to have been, a Decree was pronounced against your Petitioners the 25th day of *November* in the third year of the Reign of King *James* the Second by the then Lord Chancellor *Jeoffreys*. By which Decree your Petitioners *N.* and *R.* are ordered not only to deliver Possession of the said Lands and Premisses to the said *C.* free from all Incumbrances, but your Petitioners the said *N.* and *R.* are decreed to be accountable for all the Rents, Issues and Profits made of the said Lands since the death of the said Grandfather; notwithstanding the said Plaintiffs Bill ought to have been dismissed as your Petitioners are advised. That your Petitioner having material Witnesses, which were not fairly examined on the Interrogatories, did move for a second Hearing, and that the said Witnesses, who could have cleared your Petitioners Title and proved the said Deed, might be examined in Court *viva voce*, which was granted as your Petitioner understood, yet at the second Hearing the Lord Chancellor *Jeoffreys* refused to have them so examined, or to direct any Tryal in this Cause, but ordered the said first Decree to stand. That your Petitioner Sir *J. B.* who was not Party to the Cause, and being Mortgagee of the said Lands for a real consideration of 300 *l.* and being in actual Possession some years since of the said Lands, yet is served with an Injunction out of the said Court to deliver Possession of the said Lands to the said *C.* though your Petitioner doubts not but he hath sufficient Title in Law and Equity to hold the said Lands till payment of the said 300 *l.* and Interest thereof notwithstanding the Claim and Pretence of the said *C.* Your Petitioners therefore do appeal from the said Decree and Proceedings in the said Court of Chancery to your Lordships in Parliament;

ment, and most humbly pray your Lordships that the said C. may answer the same, and that the said Decree may be reversed. And your Petitioners shall ever pray, &c.

*Ambrose Philips,
Tho. Filmer.*

J. B.

Pleas, Answers and Demurrers in Chancery.

A Plea to the Jurisdiction of the Court for that the Lands lie in the County Palatine of Chester, with an Answer confessing the Plaintiffs Father to be seized, but that the Plaintiffs Mother was divorced for Adultery, and the Premises were granted to the Defendant (the eldest Son living of the Plaintiffs Father by another Wife) by Feoffment for a valuable consideration.

The Plea and Answer of *W. A.* called by the Complainants Bill by the Name of *W. W. alias A.* Defendant to the Bill of Complaint at the Suit of *W. A.* Complainant.

THE said Defendant by Protestation not confessing or acknowledging any the matters or things in and by the said Bill of Complaint set forth and alledged to be true, saving that the Messuage or Tenement and other parcels of Land mentioned in the said Bill concerning the Title whereof the said Bill is exhibited into this honourable Court, are situate and do lie in the Parish of *M.* in the County of *C.* For Plea thereunto saith that the said County of *C.* as this Defendant is informed, is and hath been time out of mind of any to the contrary

contrary a County Palatine; and that as well the said Messuage and Premises, as all other Lands within the said County Palatine, or belonging thereunto, and all Actions and Suits at Common Law, or in Equity, by reason of the Premises or any parcel thereof have been or ought to have been impleaded by all the said time, and yet are impleadable in the Courts of the said County Palatine before the Judges there for the time being within the said County Palatine and not elsewhere. And therefore humbly demands the Judgment of this honourable Court, if this Court will hold Plea upon and inforce the Defendant to answer to the said Bill exhibited as and for the Cause aforesaid, wherein the said Defendant doth submit to the Order of this honourable Court. And if the Defendant shall by Order of this honourable Court be compelled to make any other Answer to the said Bill of Complaint then and not otherwise this Defendant having saved and reserved to himself both now and at all times hereafter all advantage of Exceptions to the incertainty and insufficiency of the said Bill of Complaint. For Answer thereunto this Defendant saith, that the said Messuage and other parcels of Land mentioned in the said Bill are scituate and do lie in the Township of C. in the said Parish of M. and County aforesaid, whereof this Defendant doth acknowledge that the said J. A. mentioned in the Bill was together with several other Lands and Tenements in the said County in his life time seized of a good Estate of Inheritance in his Demesne as of Fee to him and to his Heirs in Fee Simple as is set forth in the Bill: But the Defendant doth deny that the said J. A. did thereof die so seized, or that the Premises after his said death did descend to the Complainant, or that he ought to have enjoyed the same as is pretended by the Complainant in the said Bill. For the said Defendant saith, that

the said *J. A.* being seized of the said Messuage and Premises as aforesaid in his Demesne as of Fee, and vehemently, suspecting, and upon probable grounds believing that the Complainant (who notwithstanding he pretends himself to be Son and Heir unto the said *J. A.* yet in regard the Complainant's Mother did several times depart from the said *J. A.* her Husband and live in Adultery with divers other persons, for which she was afterwards divorced from the said *J. A.*) was not the begotten Son of the said *J. A.* And bearing a more special affection to the Defendant, who is the eldest Son living unto the said *J. A.* by another Wife. In consideration thereof, and of the Sum of three hundred pounds paid by the Defendant unto the said *J. A.* by his Deed of Feoffment under his Hand and Seal bearing date the sixteenth day of *September* in the year of our Lord God one thousand six hundred twenty and three duly executed by Livery and Seisin the same day in the presence of Mr. Justice *W.* and many other credible Witnesses, the said *J. A.* did convey and assure the said Messuage and Premises together with other parcels of Land contained in the said Deed unto the Defendant and to his Heirs and Assigns for ever, to the only use of the said Defendant and his Heirs and Assigns for ever, as by the said Deed ready to be shewed to this honourable Court (to which for farther certainty herein the said Defendant doth refer himself) may more fully appear. By force whereof the said Defendant the said sixteenth day of *September* in the year aforesaid, in the Life time of the said *J. A.* and long before his said Death was of the said Messuage and Premises seized in his Demesne as of Fee, and he and his Assigns have ever since hitherto by virtue thereof continued seized, and have received the Profits thereof to their own use, as he humbly conceives he and they might lawfully

fully do. By reason whereof, and by virtue of the said Deed of Feoffment wherein the same are specially granted unto this Defendant, this Defendant doth acknowledge he hath in his Custody several Deeds, Writings and Evidences concerning the Premises, which do of right belong unto him for the maintaining of his Title aforesaid. And for that purpose he humbly conceives they ought to remain in his Custody and not to be brought into this honourable Court, unless the Complainant had a good Title thereunto. Nevertheless the said Defendant is willing to submit to what Order this honourable Court in Justice shall make herein; and the said Defendant doth deny that without pretence of Title he entred into the said Messuage and Premises by Abatement after the Death of the said J. A. or that he wrongfully detained the possession thereof from the Complainant, as is pretended by the Bill; but doth acknowledg he doth refuse, as he humbly conceives lawfully he may, to accompt with the Complainant for the mean Profits of the Premises, or to deliver unto him the Writings and Evidences aforesaid. And this Defendant doth deny and traverse, without that that any other matter or thing in the said Bill contained material to be answered, and not herein confessed and avoided, denied or traversed, is true. All which matters this Defendant is ready to aver as this honourable Court shall award. And this Defendant humbly prays to be hence dismist with his reasonable Costs and Charges in this behalf wrongfully and without Cause sustained.

An Answer and Disclaimer.

The Answer of S. T. as to part, and Plea and Disclaimer as to the other part of the Bill of W. S. and others Complainants.

The Defendant saving to himself all and all manner of Advantage and Benefit of Exception to the manifold Imperfections, Incertainties and Insufficiencies of the Complainants said Bill of Complaint, and the matters therein contained, by way of Answer thereunto, he saith, that it may be true that B. G. in the Bill named did lend such Sum of Mony to F. R. in the Bill also named, and for security of repayment thereof had such Deed by way of Mortgage made and granted to him as in the Bill is set forth, and that the Complainants are well entituled to the benefit thereof; but this Defendant of his own knowledge knoweth not, nor ever did know, of such Mortgage made by the said F. R. nor was in any wise concerned or acquainted with the dealings and transactions between the said F. R. and the said B. G. and denieth all and all manner of Combinations and Confederacy with the said F. R. in his Life time, or with the said J. and W. R. his Brothers, or any other person or persons whatsoever. And as to the residue of the said Bill of Complaint this Defendant by protestation not confessing or acknowledging the same or any part thereof to be true in such sort, manner and form, as the same are therein and thereby set forth and alledged as to one Messuage or Tenement in the said Bill mentioned, situate, lying and being in R. with a Yard and Garden thereunto belonging mentioned in the Tenure or Occupation of H. or his Assigns, and also as to one other Messuage or Tenement lying and being in R. aforesaid, with a Yard and Garden

Garden thereunto belonging in the said Bill of Complaint mentioned to be in the Occupation of B. his Assignee or Assignees. For Plea he saith, that he this Defendant is a Purchaser of the said two Messuages with the Appurtenances and Premises last before mentioned, for a valuable consideration in Mony really and *bona fide* paid to the said F. R. in his Life time without notice of the Complainants pretended Title in the Bill mentioned, and that the said F. R. hath by good sufficient Conveyances in the Law, as this Defendant is advised, conveyed the same to this Defendant and his Heirs absolutely without any manner of Condition, Proviso or Power of Redemption whatsoever. All which matters and things he this Defendant is ready to aver and prove as this honourable Court shall award, and humbly pleadeth the same in Bar to so much of the Complainants said Bill of Complaint, as this Defendant hath not herein before answered. And humbly prayeth the Judgment of this honourable Court, whether he ought to set forth the Dates and Contents of his Deeds of Purchase, or the effect thereof, whereby to enable the Complainants to inspect this Defendants Title to the said purchased Premises. And as to all the rest of the Messuages, Lands and Tenements in the Complainant's said Bill of Complaint mentioned other than what he this Defendant hath pleaded unto as aforesaid, he this Defendant disclaimeth all Right or Title thereunto, and knoweth nothing thereof, without that that any other matter or thing in the said Bill of Complaint contained material or effectual for this Defendant to make Answer unto, and not herein and hereby well and sufficiently answered unto, confessed or avoided, traversed or denied is true. All which matters and things this Defendant is ready to aver, maintain and prove as this honourable Court shall award,

award, and prayeth to be hence dismissed with his reasonable Costs and Charges in this behalf most wrongfully sustained.

An Answer and Plea.

The Plea of *T. C.* to part, and his Answer to the other part of the Bill of *H. D.*

The said Defendant not confessing or acknowledging all or any of the said matters and things in the said Bill of Complaint contained, to be true in such manner as they are therein and thereby alleged. As to such part of the said Bill as demands an Account of and concerning any matters and things transacted between the Complainant and this Defendant at any time before and unto the 28th day of *F.* in the year of our Lord 1683. and as to all such other part of the said Bill, as is not herein after answered unto, this Defendant doth plead thereunto and for Plea saith, that after this Defendant had compleated and finished the first Voyage to *M.* in the Bill of Complaint mentioned (that is to say) upon the said 28th day of *F.* *Anno Dom.* 1683. aforesaid, the Complainant and this Defendant did make up, state and settle an Accompt in writing, then delivered to the Complainant, of the said Voyage and of all matters and things thereunto relating, or any time before and to the said 28th day of *F.* 1683. being or depending between the Complainant and this Defendant. And the Complainant, after a strict and serious Examination of the said Accompt and every particular thereof, did approve and allow of the said Accompt, and did actually pay and satisfie all Monies then due on the ballance of the said Accompt, and thereupon the same 28th day of *F.* *Anno Dom.* 1683. aforesaid, the Complainant did give to this
 Defendant

Defendant a Receipt or Acquittance under his Hand, which is in these words, *viz.* Received the twenty eighth of *F. Anno Dom.* one thousand six hundred eighty three from *T. C.* the Sum of ninety three pounds three shillings and nine pence Sterling being in full of all Accompts whatsoever to this day, I say received *per me H. D.* as in and by the said Acquittance under the Hand of the Complainant ready to be produced to this honourable Court may appear. And this Defendant doth plead the said Accompt stated, the payment of the said Monies and the said Receipt or Acquittance in Bar to such part of the said Bill as demands an Accompt from this Defendant for any matters or things in the Bill mentioned on or before the said 28th day of *F. 1683.* and humbly demands the Judgment of this honourable Court, whether he shall make any other or farther Answer thereunto.

A Demurrer.

The Demurrer of *A. G.* Defendant to the Bill of Complaint of *H. F.* and *H. L.*

This Defendant by Protestation not confessing or acknowledging all or any the matters and things in the Complainants said Bill contained to be true in such manner and form as the same are therein and thereby set forth, the Complainant's said Bill being exhibited against the Defendant in order to recover two several Legacies of ten pounds a-piece pretended to be given to each of the Complainants by the last Will and Testament of one *S. A.* deceased, bearing date about the Month of *F. 1665.* they by their said Bill setting forth that the said *S. A.* being seized in Fee simple to him and his Heirs for ever, of a Messuage or Tenement with

with its Appurtenances lying and being in the Parish of *H.* in the County of *E.* by Purchase from one *M. J.* his Mother-in-Law, and being so seized made his last Will and Testament in writing bearing date as aforesaid, and thereby did give and bequeath to the said Complainants, and to each of them the Sum of ten pounds to be paid to the said Complainants respectively out of his said Messuage or Tenement in *H.* aforesaid, after the decease of *E. A.* his Wife, and *M. J.* his Mother-in-Law. And that soon after the said *S. A.* died seized of the said Premises, and that this Defendant purchased the same, and had notice of the last Will and Testament of the said *S. A.* and of the Legacies thereby bequeathed to the Complainants, and that the said *E. A.* and *M. J.* are both dead, and that the said Legacies of ten pounds a-piece are due to the Complainants, and that this Defendant ought to pay the same to the Complainants, he having purchased the said Premises which were chargeable with the said Legacies, whereunto this Defendant doth demur. And for Cause of Demurrer this Defendant saith, that the Complainants said Bill being exhibited against this Defendant for the said Legacies before set forth as Purchaser of the said Premises pretended by the said Bill to be charged with the said Legacies, the Complainants ought, as this Defendant is advised, to have made the Heir at Law to the said *S. A.* a Party and Defendant to the said Bill, for that the Heir at Law may have paid and discharged the said Legacies, or otherwise have satisfied the said several Legacies to the said Complainants and to every of them, and the said Heir at Law may have some Release or Releases, or Discharge or Discharges for the same, which he might have pleaded in Bar to the Complainants Demand of the said Legacies, and of the said Bill

Bill, or otherwise might have made it appear to this honourable Court, that the said Legacies nor either of them are not now due to the Complainant, and more especially for that it doth not appear by the Complainants said Bill that the said Premises, which descended to the Heir at Law, are chargeable with the said Legacies by the said last Will and Testament of him the said *S. A.* And for farther Traverse of Demurrer this Defendant doth say, that the said Complainants ought, as he is advised, to have made the Executors or Administrators of the said *S. A.* a Party or Parties to the said Bill, who may (for ought it doth appear by the said Bill) have paid the said Legacies out of the personal Estate of the said *S. A.* in case of the said Premises; and may have taken some Release or Releases, Discharge or Discharges for the same, and might if they had been Parties to this Bill have pleaded the same in Bar to the Complainants Demand thereof by their said Bill, which Discharge or Discharges, Release or Releases this Defendant can take no Benefit of, but the Complainants will have their Legacies twice paid them for ought by their Bill appeareth. Wherefore for that the Heir at Law to the said *S. A.* is not made a Party to the said Bill, and for that the Executors or Administrators of the said *S. A.* are not made Parties to the said Bill, and for divers other Causes and Imperfections in the said Bill this Defendant doth demur in Law thereunto, and humbly demands the Judgment of this honourable Court, whether he shall be compelled to make any Answer thereunto, and humbly prays to be hence dismissed with his reasonable Costs and Charges in that behalf most wrongfully sustained, &c.

A Demurrer to a Bill to reverse a Decree.

The Demurrer of *A. B.* Defendant to the Bill of Review of *W. G.* Complainant.

The Scope of the Complainants said Bill being, as this Defendant is advised, to review a Decree made in this Court, wherein this Defendant was Complainant against the now Complainant Defendant, by which it is decreed that the Sum of 200 *l.* in the said Decree mentioned to be paid by the now Complainant to *A. B.* in the said Decree named as the consideration of an Indenture, dated *July 6. 1676.* whereby the said *A. B.* had granted unto the now Complainant and his Heirs a Rent-Charge of 200 *l. per annum* issuing out of the said *A. B.*'s Estate to commence after the death of the said *A. B.* without Issue Male should be paid by this Defendant to the now Complainant with Interest from the aforesaid sixth day of *July, 1676.* after the rate of six pounds *per cent.* and on payment thereof the said now Complainant was to extinguish and release the said Rent-Charge of two hundred pounds, and all his Right, Title and Interest in or Demand unto or out of the Premises, or any part thereof to this Defendant and his Heirs, freed from all Incumbrances done by the said now Complainant or any claiming under him. And whereby the said now Complainant is to deliver up to this Defendant, or his Assigns, the said Deed obtained by the said now Complainant as aforesaid, which was thereby set aside and declared to be void, and whereby this Defendant, his Heirs and Assigns were to hold and enjoy the Premises accordingly against the now Complainant, and all claiming under him discharged of the said Rent-Charge, and whereby a perpetual Injunction was granted for stay of all Suits

at

at Law for and touching the said Rent-Charge, This Defendant doth demur unto the said Bill of Review, and for cause thereof saith, that by the constant settled Rules of this Court no Bill of Review ought to be admitted to alter, change or explain any Decree of this Court inrolled, unless there be either manifest Error in Law appearing in the Body of the said Decree as it is inrolled, or for some new Matter of Fact discovered since the Decree pronounced, and that only by leave of this Court on an *Affidavit* of the Truth of that Matter, and this Defendant doth insist that it doth not appear in the Body of the said Decree, as the same is signed and inrolled, and is of Record in this honourable Court, that there are or is any Error or Errors apparent in the said Decree, whereby or by reason whereof the said Decree can or ought to be reviewed or reversed; and for that the pretended Errors in the said Bill of Review set forth are not Errors in Law appearing in the Decree, but Allegations and Suggestions of Matters not contained in the said Decree, and for that there is not any such new Matter alledged, and Leave obtained by this honourable Court for bringing a Bill of Review upon as is warranted by this honourable Court in this Case, wherefore this Defendant doth demur in Law to the said Bill of Review, and doth humbly insist upon it that the said Decree, for ought appears, is well grounded, and doth humbly demand the Judgment of this honourable Court, whether he shall be put to make any farther Answer, or the Complainant be permitted to proceed any farther on the said Bill of Review, and prays to be dismissed with Costs.

A Demurrer.

The Demurrer of *A. G.* Defendant to the Bill of Complaint of *H. H.* and *H. L.*

This Defendant by Protestation not confessing or acknowledging all or any the matters or things in the said Bill of Complaint contained to be true in such sort, manner and form whereby they are set forth, saith, That the Complainant pretending that one *T. R.* late of *London* Gent. did devise certain Lands, Meadows and Wood Ground in the Bill particularly named unto one *J. T.* this Complainants late Father, for a term of sixty years under the Rent of 23 *l.* and that his said Father dying thereof possessed, Administration of the Goods and Chattels of his said Father were in due course of Law granted to *A. T.* his the Complainants late Mother, and that the said *A.* having an Intention to marry this Defendant, and to dispose of her Estate for the Good of her Children, before her Marriage by her Indenture bearing date about the twentieth of *June* in the year of our Lord 1649. did assign over all her Estate, Interest and Term for years in the said Lands to *T. R.* and *J. C.* for the rest and residue of the said Term in Trust for her self, for her Life, and after in Trust for the Complainant, and that the Complainant should receive yearly during her Life five pounds. And that the said *A.* being dead and this Defendant having got the Deed into his hands concealeth the same, and doth refuse to suffer the Complainant to enjoy the said Land, or to pay the five pounds according to the said Trust, and to discover the Truth of the Premises, and the dates and contents of the Deed, and the Witnesses Names thereof, and in whose Custody the said Deed is, and to have the Defendant answer and to be

be relieved in the Premisses is the Scope of the Bill. To which Bill and all the Charge therein contained this Defendant doth demur; and first for that the Plaintiff seeketh a Custody of a Deed by which he pretends Title to the sole Rent of the Remainder of a Term for ninety nine years assigned by his Mother to T. R. and J. C. which if any such Deed were it did properly belong to the Complainant or to the said Trustees and most probable to be in their or some of their keeping and not in this Defendants, who appears by the Complainants own shewing to be a Stranger thereunto, it being made by his late Wife before her Marriage. And hath not made Oath (as by the course of this honourable Court he ought) that the said Deed of which he seeketh a discovery and relief thereupon is not in his own Custody, or of some other person or persons in Trust for him or within his power, and so for ought appears to this Court doth needlessly vex this Defendant by this Suit as he hath done by two former Bills, which are dismissed by the Plaintiff himself touching this Lease. As also for that he seeketh by his said Bill to be relieved concerning a Trust created for his Benefit, and hath not made the Trustees Parties to the said Bill with the said Trust, if any such there be, but doth it on purpose to oppress this Defendant by this Suit in which this honourable Court cannot (as this Defendant is advised) make any Decree for want of proper Parties. For which Causes and other Imperfections in the said Bill this Defendant doth demur, and demand the Judgment of this honourable Court whether he shall be compelled to make any other or farther Answer to the said Bill of Complaint, and prays to be hence dismissed with his Costs.

A Plea of Outlawry.

The said Defendant by Protestation not confessing or acknowledging any the matters or things in the said Bill of Complaint contained to be true in such sort and manner and form as the same are therein and thereby set forth and alledged, for that this Defendant conceiveth the said Bill of Complaint is exhibited against this Defendant rather for Vexation, and to put this Defendant to unnecessary Charges and Expences in the Law than for any just and lawful Cause. However this Defendant should be otherwise willing to give satisfaction to this honourable Court touching the Suggestions therein contained, yet for that the said Complainant standeth outlawed at the Suit of, &c. in a Plea of Debt as appears by a Writ of *Capias Utlagatum* under Seal hereunto annexed; With this that this Defendant doth and will aver and maintain that the said Outlawry remains in its full force unreversed and not annihilated, and also that the said Plaintiff *A. N.* so outlawed, and the said *A. N.* the now Complainant is one and the same person and not another and divers: Therefore this Defendant doth humbly crave the Judgment of this honourable Court whether he this Defendant shall be compelled to answer the said Bill of Complaint until the said Complainant shall become a person of Ability and capable to exhibit any such Bill of Complaint against this Defendant, and in the mean time humbly prays to be dismissed, &c.

*A Plea to release in Chancery. The form of pleading it,
(viz.)*

The said Defendant saith that the aforesaid Bill of Complaint is very untrue, and is as he conceiveth insufficient in the Law to be answered unto for divers apparent Faults and Imperfections therein manifestly appearing, yet by way of Plea this Defendant saith, that since the exhibiting of the Bill of Complaint into this honourable Court, that is to say, the ----- day of ----- the Complainant by a Release by him signed, sealed and delivered, bearing date the said ----- day of ----- and ready to be produced to this honourable Court, as this honourable Court shall award, did for himself, his Executors and Administrators remise, release and for ever quitclaim unto this Defendant his Executors and Administrators all and all manner of Actions, Causes of Actions, Suits, Debts, Bonds, Bills, Specialties, Judgments, Executions, Accounts, Trespases, Matters, Demands and Things whatsoever which the Complainant, his Executors or Administrators then had or hereafter might or could have against the Defendant, his Executors or Administrators for and in respect or by means or reason of any Matter, Cause, Act or Thing whatsoever from the beginning of the World until the said day of the date of the said Release, for which Cause this Defendant humbly demands the Judgment of this honourable Court whether he this Defendant shall be compelled to make any other or farther Answer to the Complainants said Bill of Complaint exhibited in this honourable Court, and prayeth to be hence dismissed, &c.

Plea of the Statute of Limitations.

The said Defendant saving to himself, &c. for Plea unto the said Bill he saith that what Materials were provided by the Complainant, or delivered by the Complainant for this Defendants use or upon his Account, and what Building or Work was done by the Complainant for this Defendant, that is mentioned in the Complainants said Bill, was provided, delivered and done by the Complainant above six years before this Defendant was served with any Process of this Court to answer the said Bill, That if the Complainant ever had any cause of Action against the Defendant for or concerning any the Matters in the said Bill mentioned, which this Defendant doth in no sort admit the same, did accrue or arise above six years before the filing the said Bill or serving this Defendant with Process; nor did this Defendant at any time within six years promise or agree to come to account for or pay the Complainant any Monies for any Materials, Buildings or Work in the Bill mentioned, or for any of the Complainants pretended demands in his said Bill mentioned, and therefore this Defendant doth plead the Act of Parliament or Statute of Limitations made in the twenty first year of his Majesty's Reign, and prays the benefit of the said Act of Parliament for Limitation of Actions. All which Matters this Defendant pleadeth in Bar of the Complainants said Bill, and of the Complainants pretended demands by his said Bill, for which he seeks to be relieved and in Bar of the said Bill. And this Defendant prays to be hence dismissed with his Costs in this behalf wrongfully sustained.

Plea of Outlawries.

These Defendants not confessing or acknowledging all or any of the Matters in the Complainants said Bill contained to be true in such manner and form as the same are therein declared and set forth, for Plea thereunto say, that the Complainant now is and standeth a person outlawed in several Actions, and so is and standeth disabled by the Laws of this Realm to sue or commence any Suits in this honourable Court or in any other Court until the same Outlawries be reversed. For they say that on *Monday* next after the Feast of *St. John* before the *Latin Gate* in the three and twentieth year of his Majesty's Reign that now is, the Complainant was outlawed after Judgment in an Action of Debt at the Suit of *E. B. &c.* as by the several Outlawries *sub pede Sigilli* hereunto annexed may appear, which said Outlawries as yet do stand unreversed. And these Defendants do aver that the said *F. R.* Complainant named in the said Bill of Complaint, and the said *F. R.* named in the said Writ or Writs of *Capias Utlagatum* hereunto annexed is one and the same person and not divers and several; and therefore these Defendants do demand Judgment whether or no they shall be compelled to make any other or farther Answer to the Complainants Bill of Complaint so long as the said Outlawries do stand in force against the Complainant and not reversed.

A Plea of a former Suit depending for the same matter.

This Defendant by Protestation not confessing or acknowledging all or any of the matters in the Complainants said Bill contained to be true in such

Plea of the Statute of Limitations.

The said Defendant saving to himself, &c. for Plea unto the said Bill he saith that what Materials were provided by the Complainant, or delivered by the Complainant for this Defendants use or upon his Account, and what Building or Work was done by the Complainant for this Defendant, that is mentioned in the Complainants said Bill, was provided, delivered and done by the Complainant above six years before this Defendant was served with any Process of this Court to answer the said Bill, That if the Complainant ever had any cause of Action against the Defendant for or concerning any the Matters in the said Bill mentioned, which this Defendant doth in no sort admit the same, did accrue or arise above six years before the filing the said Bill or serving this Defendant with Process; nor did this Defendant at any time within six years promise or agree to come to account for or pay the Complainant any Monies for any Materials, Buildings or Work in the Bill mentioned, or for any of the Complainants pretended demands in his said Bill mentioned, and therefore this Defendant doth plead the Act of Parliament or Statute of Limitations made in the twenty first year of his Majesty's Reign, and prays the benefit of the said Act of Parliament for Limitation of Actions. All which Matters this Defendant pleadeth in Bar of the Complainants said Bill, and of the Complainants pretended demands by his said Bill, for which he seeks to be relieved and in Bar of the said Bill. And this Defendant prays to be hence dismissed with his Costs in this behalf wrongfully sustained.

Plea of Outlawries.

These Defendants not confessing or acknowledging all or any of the Matters in the Complainants said Bill contained to be true in such manner and form as the same are therein declared and set forth, for Plea thereunto say, that the Complainant now is and standeth a person outlawed in several Actions, and so is and standeth disabled by the Laws of this Realm to sue or commence any Suits in this honourable Court or in any other Court until the same Outlawries be reversed. For they say that on *Monday* next after the Feast of St. *John* before the Latin Gate in the three and twentieth year of his Majesty's Reign that now is, the Complainant was outlawed after Judgment in an Action of Debt at the Suit of *E. B. &c.* as by the several Outlawries *sub pede Sigilli* hereunto annexed may appear, which said Outlawries as yet do stand unreversed. And these Defendants do aver that the said *F. R.* Complainant named in the said Bill of Complaint, and the said *F. R.* named in the said Writ or Writs of *Capias Utlagatum* hereunto annexed is one and the same person and not divers and several; and therefore these Defendants do demand Judgment whether or no they shall be compelled to make any other or farther Answer to the Complainants Bill of Complaint so long as the said Outlawries do stand in force against the Complainant and not reversed.

A Plea of a former Suit depending for the same matter.

This Defendant by Protestation not confessing or acknowledging all or any of the matters in the Complainants said Bill contained to be true in such

Plea of the Statute of Limitations.

The said Defendant saving to himself, &c. for Plea unto the said Bill he saith that what Materials were provided by the Complainant, or delivered by the Complainant for this Defendants use or upon his Account, and what Building or Work was done by the Complainant for this Defendant, that is mentioned in the Complainants said Bill, was provided, delivered and done by the Complainant above six years before this Defendant was served with any Process of this Court to answer the said Bill, That if the Complainant ever had any cause of Action against the Defendant for or concerning any the Matters in the said Bill mentioned, which this Defendant doth in no sort admit the same, did accrue or arise above six years before the filing the said Bill or serving this Defendant with Process; nor did this Defendant at any time within six years promise or agree to come to account for or pay the Complainant any Monies for any Materials, Buildings or Work in the Bill mentioned, or for any of the Complainants pretended demands in his said Bill mentioned, and therefore this Defendant doth plead the Act of Parliament or Statute of Limitations made in the twenty first year of his Majesty's Reign, and prays the benefit of the said Act of Parliament for Limitation of Actions. All which Matters this Defendant pleadeth in Bar of the Complainants said Bill, and of the Complainants pretended demands by his said Bill, for which he seeks to be relieved and in Bar of the said Bill. And this Defendant prays to be hence dismissed with his Costs in this behalf wrongfully sustained.

Plea of Outlawries.

These Defendants not confessing or acknowledging all or any of the Matters in the Complainants said Bill contained to be true in such manner and form as the same are therein declared and set forth, for Plea thereunto say, that the Complainant now is and standeth a person outlawed in several Actions, and so is and standeth disabled by the Laws of this Realm to sue or commence any Suits in this honourable Court or in any other Court until the same Outlawries be reversed. For they say that on *Monday* next after the Feast of St. *John* before the *Latin Gate* in the three and twentieth year of his Majesty's Reign that now is, the Complainant was outlawed after Judgment in an Action of Debt at the Suit of *E. B. &c.* as by the several Outlawries *sub pede Sigilli* hereunto annexed may appear, which said Outlawries as yet do stand unreversed. And these Defendants do aver that the said *F. R.* Complainant named in the said Bill of Complaint, and the said *F. R.* named in the said Writ or Writs of *Capias Utlagatum* hereunto annexed is one and the same person and not divers and several; and therefore these Defendants do demand Judgment whether or no they shall be compelled to make any other or farther Answer to the Complainants Bill of Complaint so long as the said Outlawries do stand in force against the Complainant and not reversed.

A Plea of a former Suit depending for the same matter.

This Defendant by Protestation not confessing or acknowledging all or any of the matters in the Complainants said Bill contained to be true in such

manner and form as the same are therein declared and set forth, for Plea thereto saith, That the said Complainant in the Term of *Easter*, which was in the year of our Lord one thousand six hundred seventy and three did exhibit their Bill into this honourable Court against the Defendant and *E. T.* to have an Accompt of the Monies raised by the Sale of the Plantations in the Complainants now Bill mentioned, and claiming such Interest, Shares and Proportions therein, as by their now Bill they do now claim, and praying Relief as against this Defendant in the same manner, and for the same matters and to the same effect as they do now by this their Bill. To which said first Bill this Defendant and the said *E. T.* did put in their Answer, and the said Complainants thereunto replied, and Witnesses were examined on both sides, and their Depositions duly published. And the said former Bill is still depending in this honourable Court and the said Cause is not determined. And therefore this Defendant doth plead the said former Bill, Answer and Proceedings in Bar to the said Complainants said Bill, and humbly prays the Judgment of this honourable Court, whether he shall be put to make any farther or other Answer thereunto.

Demurrer to a Bill of Review.

The Demurrer of *H. W. Esq;* to the Bill of Review of *H. S. Esq;* and *A.* his Wife Complainants.

This Defendant by Protestation not confessing or acknowledging all or any the matters or things in the said Bill of Review contained other than what is contained in the Decree upon Record
which

which the Bill seeks to reverse, to be true in such manner and form as the same are thereby set forth and alledged, saith, That by the constant Rules of this Court no Bill of Review ought to be admitted to alter or change Matters decreed either for Error in Law appearing in the body of the Decree as 'tis drawn up and enrolled, or for new Matter arisen since the Decree, or such Matter of which the Plaintiff in the Bill of Review could have notice at the time of the Decree, and therefore and for that the Matters assigned by the Bill for cause of Reversal of the said Decree are neither any Error in Law apparent in the Body of the Decree nor any such new Matter as aforesaid, but are only a pretence of misjudging in matter of Form only and not in point of Right. And for that the pretence of the Bill for decreeing for a Defendant against a Plaintiff on his own Bill, and the pretence of the Abatement of the Suit before the Decree past are only Exceptions of Formality. And for that the other pretended Error in miscasting, in case any such be, is amendable by a Motion, and for that the said Bill of Review contains in it no Equity, this Defendant doth demur in Law thereunto, and humbly insists upon it, that the said Decree ought not for any the Causes assigned by the Bill to be reviewed or reversed being for ought appears thereby well grounded, and humbly demands the Judgment of this honourable Court whether he shall be put to make any other Answer thereunto, and humbly prays to be hence dismissed with his Costs.

This Demurrer was allowed and the Bill dismissed.

A Demurrer.

The Demurrer of *P. D.* and *A.* his Wife to the
Bill of *F. H.* Complainant.

The said Defendants say, they are advised the said Bill exhibited by the said *F. H.* is such that they are not by the Justice of this honourable Court requirable to answer the same for the many Imperfections therein appearing. And more especially for that the same appearing in it self to be partly a Bill of Reviver and partly an Original Bill, there is not any Process prayed that the same or any part thereof which is that part thereof that should be revived cannot be revived, as these Defendants are advised, for the Reasons aforesaid it cannot. Then consequently, as they are also advised, the other part thereof need not be answered, for that it is not self-subsistent, but meerly dependent and consequential upon that which should have been revived. And these Defendants farther say they are advised there are other defects in the said Bill for which these Defendants ought not to be compelled to answer the said Bill, as particularly for that it is expressed therein, That as against one of the Defendants, *viz. A. C.* for 1000 *l.* the Bill was dismist, yet that also (as they are advised) is prayed to be revived. And farther, for that the Complainant, as they are advised, hath not well entituled her self or well set forth her Title to the Estate by her in her Bill mentioned to be decreed, nor derived her Title well from the persons mentioned to have obtained the said Decree. For all which Causes and for many other Defects in the said Bill appearing these Defendants do demur in Law thereunto, and humbly demand the Judgment of this honourable Court, if thereunto they shall be required,

required, to make any other or farther Answer, and humbly pray to be hence dismissed with Costs.

This Demurrer was allowed and the Bill dismissed.

A Demurrer.

The Demurrer of *A. T. Esq;* Defendant to the Bill of Complaint of *W. H. Esq;* *B. M. R. M.* and *D. D.* Complainants.

The said Defendant by Protestation not confessing or acknowledging all or any the matters in the said Complainants Bill set forth to be true in such sort, manner and form as the same are therein and thereby set forth and alledged for and by way of Demurrer, thereunto this Defendant saith, that it appears of the Plaintiffs own shewing in and by their said Bill of Complaint that the Complainants heretofore in the year, &c. exhibited a former Bill against this Defendant and others to discover whether a Statute entred into by *S. T.* unto *A. D.* and other Securities and Incumbrances were satisfied, to the end the Complainants might be let in to have satisfaction of a pretended Judgment obtained by *R. H.* under whom the Complainants claim of two thousand pounds on a Bond for payment of one thousand three hundred pounds principal Mony entred into by *S. T.* and Sir *A. T.* his Father, subsequent to the said Statute entred into by the said *D.* which Cause was heard in this Court, and referred to an Accompt, and the said Statute entred into to the said *T.* and other precedent Incumbrances found to be satisfied with an Overplus. And the Statute was in the said Suit set aside as to the Complainants, and the Complainants were at liberty to proceed and have since proceeded at Law upon the said

faid Judgment, and have extended the Lands of the faid S. T. thereon, and the faid precedent Incumbrances were not to be given in Evidence, whereby it appears of the Complainants own shewing that the Complainants have had Relief, and the Equity of their Cause hath had all the Favour and Justice which could be expected from this Court, and have by the aid of this Court their plain and proper remedy at Law to recover on the faid Judgment, and ought not to have any farther aid or relief in this Court in a Case of this Nature. And for that the Plaintiffs by their now Bill seek to have the aid and assistance of this Court to recover, and be paid Interest and Costs beyond the Penalty of the faid Judgment, which Penalty being two thousand pounds this Defendant tendred at Common Law, which this Defendant is advised, is not consistent with, nor agreeable to the Rules of this Court to give Damages or Costs beyond the Penalty of the Security, and therefore these Defendants are advised that the Complainants ought not to have any Aid or Relief of this Court therein. Wherefore and for that it is against the ancient Rules and Practice of this Court to extend or enlarge legal Securities beyond the Penalties of the same, or to give any farther Relief after a Decree formerly had touching the same matter which may be occasion of endless Suit, and Vexation. For which Causes and divers other Errors and Imperfections in the faid Bill appearing this Defendant doth demur in Law thereunto, and humbly demands the Judgment of this honourable Court whether he shall be compelled to answer; &c.

This Demurrer was allowed by the Lord Chancellor *Jefferys*, Mich. Term 1685.

A Demurrer for want of proper Parties.

The Demurrer of J. S. Gent. Defendant to the
Bill of Complaint of E. N. Complainant.

The said Defendant by Protestation, &c. for and by way of Demurrer thereunto saith that the Complainant in and by her said Bill endeavours to entitle her self to several Messuages and Tenements in the Bill mentioned as one of the Daughters and Co-heirs of F. H. in the said Bill called F. N. who was one of the Daughters and Co-heirs of R. W. in the said Bill named, deceased. And prays to have an Accompt of the Rents and Profits of the said Premisses ever since the death of her said Mother, and to have the Deeds, Evidences and Writings discovered and brought into Court or deposited in other safe Hands for the Benefit of the said Complainant and F. W. her Sister in the said Bill called F. N. the other her Daughter and Co-heir of the said F. H. called in the said Bill F. N. deceased. To which Bill this Defendant doth demur, and for cause of Demurrer saith, That it appears of the Plaintiffs own shewing that the said F. called in the said Bill F. N. is Daughter and Co-heir with the Complainant F. called in the said Bill F. N. deceased, and equally entituled with the Complainant to the said Premisses (if any Title she hath) and who is now living, and may hereafter call this Defendant to an accompt under the same pretences of Title as the Complainant now doth, whereby this Defendant is like to be put to a double Trouble, Charge and Vexation which might have been determined by this Suit in case the said F. the Complainant's Sister and Co-heir had been a Party Complainant or Defendant to the said Complainants Bill as she ought to have been. Wherefore for that the said F. the Complainants Sister is not made a
Party

Party to the said Complainants Bill and for divers other Errors and Imperfections in the said Bill appearing, this Defendant doth demur in Law thereunto, and humbly demands the Judgment of this honourable Court whether he shall be compelled to make any Answer to the said Bill; and prays to be hence dismissed with his Costs in this behalf wrongfully sustained.

A Demurrer to a Replication because it is a departure from the Bill.

The Demurrer of J. A. and A. his Wife, two of the Defendants to the Replication of T. C. Complainant.

These Defendants say they are advised that the said Replication is insufficient to be rejoined unto, for that the scope of the Bill is to be relieved against these Defendants upon supposed Articles of Agreement alledged to have been made between the Complainant and these Defendants, whereby it is alledged that these Defendants for eleven hundred pounds agreed to convey the Manors, Lands and Tenements in the Bill mentioned, and all the Estate therein, to the Repliant. The Bill suggesting that these Defendants were intituled in the Right of the Defendant A. as one of the Sisters and Co-heirs of E. C. her late Brother deceased, and that the Plaintiffs were intituled by virtue of a Settlement. And by the Replication the Plaintiff alledgeth that some other person to the use of these Defendants or the Plaintiff or by their consent was or were in the possession of the said Manor and Premises, and took the Rents thereof by the space of one whole year next before the making the said Articles, which is another Title than the Plaintiff chargeth in his Bill, for the Plaintiff doth not pretend any Possession in himself or any under whom

whom he claims nor in these Defendants by the said Bill. And therefore the said Replication is a departure from the Bill, and by consequence is insufficient to be rejoined unto, and therefore these Defendants do demur thereunto, and humbly demand the Judgment of this honourable Court thereupon, and pray to be dismissed with their Costs.

A Demurrer for not setting forth Letters of Administration, and making Oath of the loss of a Bond.

The Demurrer of T. N. Defendant to the Bill of Complaint of R. W. Widow, Complainant.

The said Defendant by Protestation not confessing or acknowledging all or any the matters or things in the said Complainant's Bill contained to be true in such manner and form as the same are therein and thereby set forth and alledged. For and by way of Demurrer saith, that the Complainant by her Bill (as this Defendant is advised) endeavours to entitle her self to a Sum of Mony due upon a Bond pretended to be entred into by this Defendant to R. W. her late Husband deceased, and suggests for Equity that the said Bond was burnt in the late Fire in S. To which this Defendant demurreth, and for cause of Demurrer saith, that the Complainant hath not by her said Bill sufficiently entituled her self to the Mony due upon the said Bond, in case any such Bond there be or ever was, which this Defendant doth in no sort admit, for that the Complainant doth not by her said Bill set forth that Letters of Administration of the Estate of the said R. W. were granted unto her under the Seal of the Spiritual Court; and for that she doth not profer to produce the same so under Seal to this Court, nor refer her self thereto; and for that the said Bill doth not contain any Equity for that the said Complainant hath not made Oath that the said Bond is burnt or lost, as by the Rules
and

and constant Practice of this Court she ought to have done. Wherefore and for divers other Errors and Imperfections in the said Bill appearing, this Defendant doth demur in Law thereunto, and humbly demands the Judgment of this honourable Court whether he shall be compelled to make any Answer to the said Bill, and prays to be hence dismissed with his Costs in this behalf wrongfully sustained.

A Rejoinder to part and a Demurrer to other part of a Replication, for that the Replication contains matter that is foreign to the matters contained in the Bill.

The Rejoinder of *W. T. alias E.* Defendant to part, and her Demurrer to the residue of the Replication of *J. T. alias E.* Complainant.

The advantage of Exception in and to the uncertainty and insufficiency of the said Replication to this Defendant at all times hereafter saved, for Rejoinder unto so much thereof as is not demurred unto, This Defendant saith in all and every other matter and thing as she in her said Answer hath said and doth, and will aver, justifie and prove the same Answer, and all and every clause and thing therein contained to be true, certain and sufficient in the Law to be replied unto in such manner and form as the same is therein set forth and declared. And as to so much of the Replication as concerneth or alledgeth any Agreement to have been made between the Complainant and this Defendant since her late Husband's death, or any Declaration made by this Defendant, this Defendant doth demur in Law thereunto, for that that matter is foreign to the matter of the Bill, for the Bill is grounded purely as to so much as concerns the Defendants Right of Dower on a supposed Agreement alledged to be made between the Friends of this Defendant and her

her said late Husband on their Marriage, without so much as one word of mention of the Agreement charged in the Replication to have been made by this Defendant and the Complainant since her Husbands death, so that the supposed Agreement is foreign to the Agreement charged in the Bill. And therefore and inasmuch as the said pretended Agreement mentioned in the Replication was for ought appears precedent to the Complainants Bill, and therefore in case the Complainant would have any avail or benefit thereby it ought to have been made part of the Bill, that so this Defendant might by Answer upon Oath have made her defence entire thereunto, and might have set forth any matter that she could in avoidance thereof upon her Oath as that the said Agreement pretended by the Replication is but a part of the Agreement that was really made between the Plaintiff and her and not the whole, or that the same was waived afterwards, or other matters she might set forth by Answer that might with the Testimony of one Witness be a full defence to that matter, whereas in case she should be put to rejoyn in that matter, she might be deprived of that defence which she is advised she ought not in Justice nor by the course of Equity to be. And therefore she doth demur to that part of the Replication, and humbly demands the Judgment of this honourable Court, whether the Complainant ought to be permitted in this manner to draw that matter under Examination, and prays as in her Answer she hath prayed.

A. K.

Demurrer

Demurrer to be relieved against a Bond entred into by the Plaintiff and another ; to which the Defendants and one J. were Witnesses, and confederated with the Obligee to obtain the same.

The Demurrer of *D. A.* and *G. H.* two of the Defendants, to the insufficient Bill of Complaint of *J. P. Gent.* Complainant.

The said Defendants say and either of them saith, That if all the said Complainants Bill of Complaint (as against them these Defendants or either of them) were true as the same is not yet of the Complainants own shewing, there is not any cause or colour of cause therein contained why the said Complainant should complain against or sue these Defendants, or either of them, in this honourable Court or in any other Court of Law or Equity. Neither is there any Matter or Thing charged in the said Bill of Complaint against them these Defendants, or either of them, whereupon this Court can proceed to make any judicial Order or Decree against them these Defendants or against either of them. For if it were true (as it is not) that *P. W.* deceased in the said Bill named did take Security of *J. B.* in the Bill also named by Bond, Bill or any other Writing of the said *B.* for the Sum of 24 *l.* 2 *s.* in the Bill specified or in any other greater Sum, and arrested the said *B.* upon the said Bond or Bill, and imprisoned him in the Marshalsey where he yet remaineth Prisoner at the Suit of the said *W.* And if it be also true (as the same is not) that *N. J.* one of the Defendants in the Bill also named did write the said Bond, Bill or other Writing. And that he the said *N. J.* and these Defendants were Witnesses to the Sealing of the said Bond or Bill for the payment of the said 24 *l.* 2 *s.* or of any other Sum or Sums of Money

Many whatsoever ; Then these Defendants say and either of them saith, That the said Complainant of his own shewing is not nor any ways can be wronged or prejudiced by reason of these Defendants being Witnesses to the said Bond, Bill or any other Writing ; Neither have or hath these Defendants, or either of them, therein committed or done any unlawful Act or Thing whereby the said Complainant should need the aid of this honourable Court against these Defendants or against either of them, or whereupon this Court can ground any judicial Order or Decree. For which Causes and for that there is no other Matter or Thing charged in the said Bill of Complaint against these Defendants or against either of them, saving that they these Defendants are thereby supposed to be Witnesses with the said N. 7. to some Bond, Bill or other Writing. And for that the said Bill of Complaint containeth no matter of Equity against these Defendants or against either of them ; Therefore these Defendants do and either of them doth demur and abide in Law upon the insufficiency of the said Bill of Complaint. And do and either of them doth humbly demand the Judgment of this honourable Court if they these Defendants, or either of them, shall be compelled to make any farther or other Answer thereunto. All which Matters these Defendants are and either of them is ready to maintain as this honourable Court shall award. And humbly pray and either of them prayeth to be dismissed forth of the same with their and either of their reasonable Costs and Charges in that behalf most wrongfully sustained, &c.

This Demurrer was allowed.

A Plea and Demurrer.

The Demurrer being that the Paintiffs as Creditors and Assignees under a Statute of Bankrupt come to avoid Leases made to the Defendant, and a Redemise afterwards on pretence the Commissioners had assigned the Creditors to pay the Mony to the Defendant and he to assign his Estate; whereas the Commissioners had no power to do the same, and the Estate in Law made to the Defendant was two Years and six Months before the pretended Bankruptie. And for Plea in Bar the Defendant offers the Indentures and a Fine levied to him long before the Bankruptie.

The Demurrer and Plea in Bar of W. T. Defendant to the insufficient Bill of Complaint of J. B. and H. B. Complainants.

The said Defendant for Demurrer to the Bill saith, That if all the said Bill were true, as it is not, yet the said Complainants of their own shewing, as they themselves have made their case, ought not thereupon to be relieved either in Law or Equity. For this Defendant saith, That if it were true, that J. E. in the Bill named and F. his Wife in the Month of J. in the two and twentieth year of the Reign of our late Sovereign Lord King James were lawfully seized of a good, perfect and indefeasible Estate to them and to the Heirs of the said J. E. of the Messuage or Tenements in the Bill mentioned, and that the said J. and F. being so seized by Agreement had and made by and between them the said J. E. and F. his Wife, and this Defendant did by their Indenture of Lease under their Hands and Seals bearing date the twelfth day of J. which was in the said two and twentieth Year of the Reign of our said late Sovereign Lord King James, demise, grant and to farm
let

let unto this Defendant the said Messuages or Tenements for the term of 21 years and 28 days from the Feast of the Nativity of St. *John* Baptist which was in the said two and twentieth year of our said Sovereign Lord King *James*, rendring a peny Rent yearly at the Feast of St. *Michael* the Archangel, if the same were lawfully demanded. And that this Lease was made in consideration of 240 *l.* paid or lent by this Defendant to the said *J. E.* and *F.* his Wife. And if it be likewise true that this Defendant in or upon the 14th day of the said Month of *J.* in the said two and twentieth Year of the Reign of our said late Sovereign King *James* did redemise the said Messuages or Tenements unto the said *J. E.* and *F.* his said Wife for the term of 21 years from the 16th day of *J.* in the said two and twentieth year of the Reign of our Sovereign Lord King *James* yielding and paying therefore yearly during the said term unto this Defendant the Sum of 30 *l.* at the Feast of the Nativity of St. *John* Baptist, and the first payment thereof to begin at the Feast of the Nativity of St. *J.* Baptist *An. Dom.* 1625. with a Proviso that if the said Rent of 30 *l.* should be behind and unpaid in part, or in all, over or after any of the days of payment limited for the payment thereof, That then and from thenceforth it should and might be lawful to and for this Defendant into the said Messuages or Tenements to re-enter. And if it be likewise true that the said *J. E.* did become bound unto this Defendant in a Bond of 300 *l.* conditioned for the performance of the Covenants and Agreements contained in these Indentures. And that afterwards the said *F.* died, and the said *J. E.* her Husband survived, and did truly pay to this Defendant the Sum of 30 *l.* upon the Feast day of the Nativity of St. *John* Baptist, which was in the said year of our Lord God, 1625. for a years Rent then due upon the said last mentioned Lease. And if it

be likewise true that the said *J. E.* upon the Feast of the Nativity of St. *J. Baptist* 1626. did fail to pay the said Sum of 30 *l.* then due for the said Rent, and did after condescend to make and did make unto this Defendant one other Lease of the said Messuages or Tenements by Indenture bearing date the 28th of *December* 1626. and in the 2d year of the Reign of our Sovereign Lord the King's most excellent Majesty that now is for the term of 21 years to begin from the Expiration of the said first recited Lease for the yearly Rent of one Pepper Corn. Upon condition that if the said *J. E.* his Executors, Administrators or Assigns, or any of them did or should from time to time and at all times then after during the residue of the said term of 21 years then to come and unexpired well and truly pay or cause to be paid unto this Defendant, his Executors, Administrators or Assigns the said Rent of 30 *l.* at such days, times and place, and in such manner and form, as in the said recited Indenture of Lease is limited and appointed, then the said last mentioned Indenture of Lease should cease, determine and be utterly void. And if it be likewise true that the said *J. E.* did afterwards pay unto this Defendant the 30 *l.* which was then formerly due to have been paid at the Feast of St. *J. Baptist*, which was in the said year of our Lord God 1626. and did after pay unto this Defendant the Rent of 30 *l.* due at the Feast of St. *J. Baptist* *An.* 1627. And did pay unto this Defendant the like Rent of 30 *l.* at the Feast of St. *J. Baptist* *An.* 1628. And if it be likewise true that afterwards the said Rent of 30 *l.* due at the Feast of St. *J. Baptist* 1629. was behind and unpaid, and that this Defendant for non-payment thereof did enter upon the said demised Premises, and hath received or might have received of the under-Tenants thereof all the Rents and Profits thereof, as well those that were behind at the Feast of St. *J. Baptist* 1629. as
such

such as have grown due ever since, the value of the same Tenements being 30 *l. per annum*. And if it be likewise true that the said *J. E.* were a Man that did seek or get his Living by buying and selling, and that the said *J. E.* were indebted to the Complainants and others in the Sum of 500 *l.* and did in *Decemb. An. Dom. 1626.* begin to keep his House in *St. Albans* to the intent to delay his Creditors for the Recovery of their just and true Debts, and hath since absented himself and is thereby become a Bankrupt. And if it be likewise true that the said Complainants and others the Creditors of the said *J. E.* did the 28th of *J.* last being the 28th day of *J. An. Dom. 1631.* become Suiters to the Right Honourable the Lord Keeper of the Great Seal of *England* for a Commission upon the Statutes of Bankrupts to be awarded against the said *J. E.* And that thereupon a Commission was awarded the 29th day of *J.* now last past directed to the Commissioners in the Bill named or to any four or three of them. And if it be true that the said Commissioners have begun to put the said Commission in Execution, and have found that the said *J. E.* being indebted to the said Complainant and others did in the Month of *December 1626.* begin to keep his House and absent himself from his Creditors, and that he the said *J. E.* did thereby become a Bankrupt as by the Bill is set forth. This Defendant for Demurrer to the said Bill saith, That if all the said Surmises and Allegations were true, yet the said Complainants of their own shewing ought not thereupon to be relieved either in Law or Equity. For this Defendant saith, That the said Commissioners by virtue of the said Commission had not any thing to do with any of this Defendants said Leases; neither were the same Leases any ways subject to the said Commission, for that it appeareth of the said Complainants own shewing, that the said Leases were made for good consideration of

Mony paid long before the said *J. E.* did become a Bankrupt, (that is to say) the said first Lease made by the said *J. E.* unto this said Defendant, and the Redemise thereupon made by this Defendant to the said *J. E.* were both made in consideration of 240 *l.* paid by this Defendant to the said *J. E.* and to secure unto him this Defendant the Sum of 30 *l. per annum* out of the Messuages or Tenements thereby demised for 21 years. And the said later Lease, as it appeareth of the said Complainants own shewing, was made after a Forfeiture of the Redemise made by this Defendant to the said *J. E.* and after a Forfeiture of the Bond of 300 *l.* and the same was only made to secure the subsequent payments of the said Rent of 30 *l. per annum*. And this Defendant saith that the said first Lease and the said Redemise being so as aforesaid made in *June Anno Dom. 1624.* and in the 22d year of his said late Majesty's Reign this Defendant could not then prognosticate that the said *J. E.* should become a Bankrupt in *December 1626.* which was two years and six months after the making of the said Lease and Redemise. For which Cause, and because it appeareth of the Complainants own shewing that the said Lease and Redemise were made for the consideration of 240 *l.* and to secure to this Defendant 30 *l. per ann.* for 21 years and were made two years and six months before the said *J. E.* did become a Bankrupt. And because the Complainants by their Bill do set forth a good Title both in Law and Equity to this Defendant of and in the Messuages, Lands and Tenements in question, but do not shew nor derive unto themselves any Title at all thereunto either in Law or Equity, neither by Grant nor Assignment from the Commissioners nor otherwise. Therefore this Defendant doth demur and abide in Law upon the insufficiency of the said Bill, and doth humbly demand the Judgment of this honourable Court if he this Defendant shall be compelled

compelled to make any Answer thereunto. And for farther cause of Demurrer to the said insufficient Bill this Defendant saith, That the Title set forth by the Complainants by their said Bill to the Leases in question, or to the Lands, Tenements or Hereditaments thereby demised is no good Title either in Law or Equity. For if it be true that the Commissioners upon the Statutes of Bankrupts did assign and appoint the Complainants to pay or tender unto this Defendant the Sum of 240 *l.* with Interest, and in such manner as by the Bill is suggested. And did assign or appoint them to take from this Defendant an Assignment or Conveyance of the Leases made to this Defendant of the Lands in the Bill mentioned to the benefit and behoof of the Complainants and of the other Creditors of the said *J. E.* yet the said Commissioners had no power by any the Statute or Statutes of Bankrupts, or by their Commission either to assign or appoint the Complainants to pay or tender unto this Defendant any Sum or Sums of Mony, or to assign or appoint this Defendant to assign or convey the said Leases or Lands, Tenements or Hereditaments thereby demised. For which Cause also and because there is no matter of Equity contained in the said Bill, but the said Complainants do thereby endeavour to avoid a plain, honest and lawful Contract made for just and valuable Consideration two years and six months before the said *J. E.* became a Bankrupt, this Defendant doth demur in Law upon the Insufficiency of the said Bill, and doth humbly demand the Judgment of this honourable Court if he this Defendant shall be compelled to make any Answer thereunto. And for Plea in Bar to the said Bill this Defendant saith, That the said *J. E.* and *F.* his said Wife, in the Term of the Holy Trinity which was in the said 22d Year of his said late Majesty's Reign by one Fine acknowledged and levied before his then Majesty's Justices of his Court

of Common Pleas at *Westminster*, did grant unto this Defendant all and singular the Messuages, Lands, Tenements and Hereditaments in the said Indenture of the 12th and 14th days of *J.* in the said 22d Year of his said late Majesty's Reign mentioned by the Names of three Messuages, three Cottages, three Gardens, three Orchards, six Acres of Land and two Acres of Meadow with the Appurtenances in the Town of *St. Albans* and in the Parish of *St. Michael*. To have and to hold to this Defendant from the Feast of *St. John* Baptist then next following for the term of 21 years and 28 days then next following, and fully to be compleat and ended, as by the said Fine remaining upon Record in his Majesty's said Court of Common Pleas appeareth. And therefore this Defendant demandeth the Judgment of this honourable Court, if against the Indenture of the said *J. E.* under his Hand and Seal made for the consideration of 240 *l.* confessed by the Complainants to be paid, and the same Indenture acknowledged by the said Complainants to be made two years and six months before the said *J. E.* did become a Bankrupt. And if against the said Fine the said Complainants as Creditors to the said *J. E.* upon a bare surmise that the Commissioners upon the Statutes of Bankrupts have appointed them the said Complainants to pay 240 *l.* and this Defendant to assign or convey his Interest to the said Complainants the said Complainants shall be received to complain in this honourable Court. All which matters this Defendant is ready to maintain as this honourable Court shall award, and humbly prayeth to be dismissed forth of the same with his reasonable Costs and Charges in this behalf most wrongfully sustained.

A Demurrer for that the Bill charges the Defendant with several Promises to recompence the Complainant for solicitation in this Court, and for Protection given the Defendant by the Plaintiff against Treasons and undue Practices committed.

The Demurrer of J. S. and E. his Wife Defendants to the Bill of Complaint of R. H. Complainant.

The said Defendants by Protestation not confessing or acknowledging all or any of the matters or things in the said Bill of Complaint contained to be true in such manner and form as in the said Bill of Complaint is set forth, For Demurrer thereunto or to so much thereof as these Defendants are advised they need not answer, they these Defendants say, that there appeareth no matter of Equity charged in the said Bill for the principal matters for which the said Complainant seeketh relief thereby, But that the same is exhibited to perplex, vex and charge these Defendants causelessly. For that he the said Complainant may have and take his Action at Law against these Defendants for all and every the matters and things he complains of in and by his said Bill of Complaint, and may thereupon recover what he pretends to be due to him upon any the special Agreements by him pretended and Promises suggested to be made by this Defendant J. S. for recompence for any the matters or things by him in his said Bill set forth. And these Defendants for farther Demurrer say that the said Complainants Bill is not only void of Equity, but (as these Defendants are informed) full of scandalous and disgraceful Charges and Suggestions against these Defendants. As that this Defendant J. S. is indebted or obliged to him the said Complainant for his Protection or Safety from divers Treasons and other undue practices by him the said Complainant in his said Bill

of Common Pleas at *Westminster*, did grant unto this Defendant all and singular the Messuages, Lands, Tenements and Hereditaments in the said Indenture of the 12th and 14th days of *J.* in the said 22d Year of his said late Majesty's Reign mentioned by the Names of three Messuages, three Cottages, three Gardens, three Orchards, six Acres of Land and two Acres of Meadow with the Appurtenances in the Town of *St. Albans* and in the Parish of *St. Michael*. To have and to hold to this Defendant from the Feast of *St. John* Baptist then next following for the term of 21 years and 28 days then next following, and fully to be compleat and ended, as by the said Fine remaining upon Record in his Majesty's said Court of Common Pleas appeareth. And therefore this Defendant demandeth the Judgment of this honourable Court, if against the Indenture of the said *J. E.* under his Hand and Seal made for the consideration of 240 *l.* confessed by the Complainants to be paid, and the same Indenture acknowledged by the said Complainants to be made two years and six months before the said *J. E.* did become a Bankrupt. And if against the said Fine the said Complainants as Creditors to the said *J. E.* upon a bare surmise that the Commissioners upon the Statutes of Bankrupts have appointed them the said Complainants to pay 240 *l.* and this Defendant to assign or convey his Interest to the said Complainants the said Complainants shall be received to complain in this honourable Court. All which matters this Defendant is ready to maintain as this honourable Court shall award, and humbly prayeth to be dismissed forth of the same with his reasonable Costs and Charges in this behalf most wrongfully sustained.

A Demurrer for that the Bill charges the Defendant with several Promises to recompence the Complainant for solicitation in this Court, and for Protection given the Defendant by the Plaintiff against Treasons and undue Practices committed.

The Demurrer of J. S. and E. his Wife Defendants to the Bill of Complaint of R. H. Complainant.

The said Defendants by Protestation not confessing or acknowledging all or any of the matters or things in the said Bill of Complaint contained to be true in such manner and form as in the said Bill of Complaint is set forth, For Demurrer thereunto or to so much thereof as these Defendants are advised they need not answer, they these Defendants say, that there appeareth no matter of Equity charged in the said Bill for the principal matters for which the said Complainant seeketh relief thereby, But that the same is exhibited to perplex, vex and charge these Defendants causelessly. For that he the said Complainant may have and take his Action at Law against these Defendants for all and every the matters and things he complains of in and by his said Bill of Complaint, and may thereupon recover what he pretends to be due to him upon any the special Agreements by him pretended and Promises suggested to be made by this Defendant J. S. for recompence for any the matters or things by him in his said Bill set forth. And these Defendants for farther Demurrer say that the said Complainants Bill is not only void of Equity, but (as these Defendants are informed) full of scandalous and disgraceful Charges and Suggestions against these Defendants. As that this Defendant J. S. is indebted or obliged to him the said Complainant for his Protection or Safety from divers Treasons and other undue practices by him the said Complainant in his said Bill

Bill supposed to be charged on this Defendant *J.* before *J.* Lord *B.* and Major General *S.* whereas this Defendant is altogether thereof guiltless, and was never, nor could, nor can be therewith charged. And also in charging this Defendant *E.* with deceiving him the said Complainant of several Sums of Mony, which (if any such thing were) this Defendant saith he hath a more legal remedy to take against this Defendant for the same than by such Allegations in his Bill in this honourable Court. And these Defendants farther say, That the said Bill of Complaint is not only scandalous (as they conceive) to them these Defendants but also to this honourable Court. As that the said Complainant should by his said Bill entitle himself of *S.* in the County of *M.* Poulterer, And afterwards for sollicitation of a Cause in this honourable Court and elsewhere for such time as in the Bill is mentioned should require and pretend to deserve therefore the Sum of 100 *l.* For all which apparent Causes these Defendants do demur and abide in Law, and humbly demand the Judgment of this honourable Court whether they shall be compelled to answer, &c.

Demurrer to be relieved against Bonds pretending the Debts therein were not just, and after Judgments obtained upon them and against the Defendant's Bail at Law, and a Levy bad.

The Demurrer and Answer of *C. S.* Defendant to the Bill of Complaint of *T. L.* Complainant.

The said Defendant by Protestation saith, That the said Bill of Complaint is very insufficient in the Law to be answered unto and such as this Defendant by the Law of this his Majesty's Realm of *England* is not bound to make any Answer unto. For this Defendant saith, that it doth not appear by the said Bill of Complaint that the said Complainant is any ways indebted

indebted to his Majesty or otherwise enabled to sue in this honourable Court. And this Defendant also saith, That it likewise appeareth by the said Bill of Complaint that the said Complainant did voluntarily enter into the several Bonds in the said Bill of Complaint mentioned for just and due Debts then owing by the said Complainant unto this Defendant. And therefore the said Complainant by the Law of this Realm of *England* ought not to be admitted to disable or stultifie himself, but is and ought to be concluded and estopped by his Deeds under his Hand and Seal. And the said Complainant ought not now to be received to say or plead that the several Sums of Mony contained and expressed in the said several Bonds are not just Debts, or not truly due from the Complainant to this Defendant. And this Defendant farther saith, that the Monies due upon the said several Bonds being unpaid, this Defendant in or about the Month of *July*. now last past did cause the said Complainant to be arrested in *L.* upon the said Bonds, and having declared thereupon and being ready for a Trial there, The said Complainant did procure the same Action to be removed from thence into the Office of Pleas of his Majesty's Court of Exchequer. And this Defendant proceeding in the said Action in the said Office of Pleas the said Complainant in *Michaelmas* Term last appeared. And this Defendant declared upon the said Action, and in *Hillary* Term last this Defendant obtained Judgment upon the said Bonds against the said Complainant by *nihil dicit*; and in the same Term this Defendant procured a Writ of *Capias ad satisfaciend.* to be sued out against the said Complainant, and returned with a *non est inventus*. Whereupon this Defendant caused a Writ of *Sci. Fac.* to be sued out of the said Court against *J. H.* and *A. K.* the Manucaptors of the said Complainant in the said Action returnable *quindena Pasche* last, and an *al' Scire Fac.* returnable *quinque Pasche* next,

Bill supposed to be charged on this Defendant *J.* before *J.* Lord *B.* and Major General *S.* whereas this Defendant is altogether thereof guiltless, and was never, nor could, nor can be therewith charged. And also in charging this Defendant *E.* with deceiving him the said Complainant of several Sums of Mony, which (if any such thing were) this Defendant saith he hath a more legal remedy to take against this Defendant for the same than by such Allegations in his Bill in this honourable Court. And these Defendants farther say, That the said Bill of Complaint is not only scandalous (as they conceive) to them these Defendants but also to this honourable Court. As that the said Complainant should by his said Bill entitle himself of *S.* in the County of *M.* Poulterer, And afterwards for solicitation of a Cause in this honourable Court and elsewhere for such time as in the Bill is mentioned should require and pretend to deserve therefore the Sum of 100 *l.* For all which apparent Causes these Defendants do demur and abide in Law, and humbly demand the Judgment of this honourable Court whether they shall be compelled to answer, &c.

Demurrer to be relieved against Bonds pretending the Debts therein were not just, and after Judgments obtained upon them and against the Defendant's Bail at Law, and a Levy had.

The Demurrer and Answer of *C. S.* Defendant to the Bill of Complaint of *T. L.* Complainant.

The said Defendant by Protestation saith, That the said Bill of Complaint is very insufficient in the Law to be answered unto and such as this Defendant by the Law of this his Majesty's Realm of *England* is not bound to make any Answer unto. For this Defendant saith, that it doth not appear by the said Bill of Complaint that the said Complainant is any ways indebted

indebted to his Majesty or otherwise enabled to sue in this honourable Court. And this Defendant also saith, That it likewise appeareth by the said Bill of Complaint that the said Complainant did voluntarily enter into the several Bonds in the said Bill of Complaint mentioned for just and due Debts then owing by the said Complainant unto this Defendant. And therefore the said Complainant by the Law of this Realm of *England* ought not to be admitted to disable or stultifie himself, but is and ought to be concluded and estopped by his Deeds under his Hand and Seal. And the said Complainant ought not now to be received to say or plead that the several Sums of Mony contained and expressed in the said several Bonds are not just Debts, or not truly due from the Complainant to this Defendant. And this Defendant farther saith, that the Monies due upon the said several Bonds being unpaid, this Defendant in or about the Month of *J.* now last past did cause the said Complainant to be arrested in *L.* upon the said Bonds, and having declared thereupon and being ready for a Trial there, The said Complainant did procure the same Action to be removed from thence into the Office of Pleas of his Majesty's Court of Exchequer. And this Defendant proceeding in the said Action in the said Office of Pleas the said Complainant in *Michaelmas* Term last appeared. And this Defendant declared upon the said Action, and in *Hillary* Term last this Defendant obtained Judgment upon the said Bonds against the said Complainant by *nihil dicit*; and in the same Term this Defendant procured a Writ of *Capias ad satisfaciend.* to be sued out against the said Complainant, and returned with a *non est inventus*. Whereupon this Defendant caused a Writ of *Sci. Fac.* to be sued out of the said Court against *J. H.* and *A. K.* the Manucaptors of the said Complainant in the said Action returnable *quindena Pasche* last, and an *al' Scire Fac.* returnable *quinque Pasche* next,

next, to which Writ the said Manuaptors have appeared. So that the said several Bonds being now passed and transferred into a Judgment. Therefore the said Complainant ought not nor can be relieved against the said Bonds, but ought (if there had been any just Cause) to have brought his Writ of Error upon the said Judgment or ought to have prayed relief in this Court against the said Judgment, if there had been Cause, and not upon the said Bonds. For all which Causes this Defendant doth demur and abide in Law upon the insufficiency of the said Bill of Complaint, and doth humbly demand the Judgment of this honourable Court, if he this Defendant shall be compelled to make any farther or other Answer thereunto. And if this Defendant shall be compelled to make any farther Answer to the said Bill of Complaint, then and not otherwise (all advantages of Exceptions to all and every the uncertainties and insufficiencies of the said Bill of Complaint to this Defendant now and at all times hereafter saved and reserved) This Defendant for Answer unto the said Bill of Complaint saith, that true it is, that about three or four years since the said Complainant repaired unto this Defendant and was desirous to have this Defendant, being a Taylor, to make him some Cloaths, which this Defendant did accordingly and made the said Complainant four several Suits to the good contentment of the said Complainant as he then pretended. And this Defendant saith that true it is also that at or about the Month of S. which was in *Anno Dom.* 1639. the said Complainant did deliver unto this Defendant a piece of broad woollen Cloth containing about four yards and a half of the value or price of 16 s. per yard or thereabouts, which this Defendant did cut out, use and employ for and towards the making of a Suit and Cloak for the said Complainant. And the Defendant having so used the said Cloth, and made up the said Clothes and after-

afterwards done some other work for the said Complainant, he this Defendant repaired unto the said Complainant and delivered unto him several Bills of the particular Sums of Mony by him disbursed and laid out for the use of the said Complainant about the trimming and finishing of the said Clothes, together for his pains and workmanship about the making thereof, amounting in all to the Sum of 14 *l.* 11 *s.* 5 *d.* or thereabouts. But how many of the said Suits were made of Stuff, and how many of Cloth, or what were the quantities of the said Stuffs or Cloths this Defendant doth not now well remember; and this Defendant doth not know of whom the said Cloth or Stuff for the said Suits were bought, nor what were the several prizes of the same, for that this Defendant did not buy the same, but the same were delivered by the said Complainant or by his direction unto this Defendant. And this Defendant saith, that upon delivery of the said Bills he this Defendant did expect to have received part of payment and satisfaction of and for the Monies thereupon due. But the said Complainant at that time pretending that he could not spare so much Mony, earnestly requested this Defendant to forbear him for some short time faithfully promising payment thereof unto this Defendant, which this Defendant was contented to do. And this Defendant saith, that the said Complainant at several times after and by several payments did pay unto this Defendant the Sum of 6 *l.* 5 *s.* so that there remained due unto this Defendant for and upon the said several Bills for the said Suits the Sum of 8 *l.* 6 *s.* 5 *d.* And this Defendant farther saith, that about three or four Months after the said Complainant again repaired unto this Defendant and pretending that he was to marry with a Gentlewoman of a great Fortune, did earnestly desire this Defendant to give him Credit for a good Suit of Cloaths, promising this Defendant to give him Security

urity not only for the Sum of 8*l.* 6*s.* 5*d.* then remaining unpaid of the said several Bills, but also for payment of such Sum of Mony as the said Suit of Clothes should come unto within short time after. Whereupon this Defendant (then having a very fair Suit and Cloak of grey Cloth lined with black Plush, lying by him to sell, which had been but little or not at all worn, and which not long before cost 20*l.* at the least) he this Defendant did furnish the said Complainant with the said Suit and Cloak; for which the said Complainant did agree and was to pay unto this Defendant the Sum of 10*l.* 1*s.* 4*d.* and thereupon the said Complainant together with R.W. in the Bill named (who at that time was a mere Stranger to this Defendant) by their Bond or Writing Obligatory bearing date the 13th day of *J.* which was in the 17th year of his Majesty's Reign that now is of *England, &c.* did become jointly and severally bound unto this Defendant in the Sum or Penalty of 20*l.* of lawful Mony of *England* with Condition thereunder written for the payment unto him this Defendant of 10*l.* 1*s.* 4*d.* of like lawful Mony of *England* on the 20th day of *A.* then next ensuing. And this Defendant farther saith, that within two days after the entring into of the said Bond, *viz.* on the 15th day of the said Month of *J.* in the said 17th Year of his Majesty's Reign the said Complainant for the securing of the said Sum of 8*l.* 6*s.* 5*d.* then remaining unpaid of the said several Bills did alone become bound unto this Defendant in one other Bond of the Sum or Penalty of 16*l.* conditioned for the payment of the Sum of 8*l.* on the 16th day of *A.* then also next coming, as by the said two several Bonds or Obligations and Conditions ready to be shewed unto this honourable Court (and whereunto this Defendant for the more certainty in that behalf referreth himself) more at large it doth and may appear. And this Defendant also saith,

as herein formerly he hath said, that the said several Sums of Mony due upon the said two Bonds being unpaid, this Defendant was forced to bring and did bring his several Actions at Law upon the said Bonds against the said Complainant, and hath thereupon obtained Judgment as aforesaid as lawful was for him this Defendant to do. And this Defendant doth utterly deny that the said Complainant by the means of the said *R. W.* was drawn into acquaintance with this Defendant, or that the said *R. W.* (before the entring into of the said Bond of 20 *l.* with the said Complainant unto this Defendant as aforesaid) ever had much or any dealing with this Defendant, or that he this Defendant pretended that the said *R. W.* (before the entring into of the said Bond) was indebted unto this Defendant for Clothes or otherwise. Or that it is also true, that the said Complainant upon any the pretences in the Bill specified, or otherwise was drawn or persuaded to become bound, or was bound for the said *R. W.* for securing of the Sum of 10 *l.* or of any other Sum of Mony whatsoever due or pretended to be due by the said *R. W.* unto this Defendant as by the said Bill of Complaint is suggested. And this Defendant doth also utterly deny that he this Defendant did or had any reason to promise that neither the said Complainant or the said *R. W.* should by reason of the said Obligations be constrained to pay any more Mony for the same than that which this Defendant should pay for the making up of the said Apparel, or that the same did not amount unto above 40 *s.* as by the Bill is also supposed. And this Defendant confesseth it to be true, that he this Defendant doth refuse to accept of the Sum of 40 *s.* for the Mony due by the said Complainant unto this Defendant, as he conceiveth it lawful for him to do. And that it is also true that the said Sum of 10 *l.* 1 *s.* 4 *d.* being unpaid, this Defendant caused the said *R. W.* to be arrested upon
the

the said Bond of 20 *l.* and was imprisoned some small time for the same. But this Defendant denieth that the said *R. W.* was detained in Prison until that he had paid the said Sum of 10 *l.* or given other Security for the payment thereof. Or that he the said *R. W.* or any other for him upon the said Arrest, or at any time since or before have or hath paid or secured to be paid the said Sum of 10 *l.* or any part or parcel thereof unto this Defendant or to any other to his use, as by the said Bill of Complaint is also suggested. For this Defendant saith, that upon the said Arrest the said *R. W.* did put in Bail to the said Action, and the same doth yet remain undetermined. And without that that it is true that this Defendant did pretend that the Mony to be disbursed for Cloth would amount unto the Sum of 8 *l.* Or that thereupon the said Complainant by the persuasion of the said *R. W.* to this Defendants knowledge, did become bound in the said Bond of 16 *l.* for payment of the said Sum of 8 *l.* Or that it is also true, that this Defendant knoweth that there is not really and truly due upon the said Bond above 10 *l.* or thereabouts. And without that that any other matter or thing in the said Bill of Complaint contained material or effectual in the Law to be offered unto and not herein sufficiently answered unto, confessed and avoided, traversed or denied is true. All which matters this Defendant is ready to aver, maintain and prove as this honourable Court shall award, and humbly prayeth to be dismissed forth of the same with his reasonable Costs and Charges in this behalf most wrongfully sustained.

PROCESS and PROCEEDINGS IN CHANCERY.

Retorns of Writs.

Dies datus Def. ad respondend.

Dies dat Def. ad fac met respons.

Dies dat Def. ad resungend.

Dies dat Quer ad replicand.

Dies dat ad producend testes.

Dies dat Def. ad ostend causam alit publicaco con-
ceditur.

Dies dat Def. p publ super Comd.

Retorn' Terminorum.

Michaelis.

A die scd Michaelis prox' futur' in
tres septimanas

A die scd Michis in tres septimanas
prox' futur'

A die scd Michis prox' futur' in
unū mensem

A die scd Michis in unū mensem
prox' futur'

In Cto omnium Aiaz pr' futur' --

In Cto scd Martini prox' futur' --

In Octab scd Mart prox' futur' --

In Quind scd Mart prox' futur' --

Tres Michis

Tres Michis

M. Michis.

M. Michis.

Cto Aiaz.

Cto Mart.

Oct Mart.

Quind Mart.

Hillarii.

Hillarii.

In Octab scd Hill' pror' futur' —	} ret	Oct Hillar.
In Quind scd Hill' pror' futur' —		Quind Hill.
In Cto Purificaōis beate Marie Virginis pror' futur' —		Cto Pur.
In Octab Purificaōis beate Marie pror' futur'		Oct Pur.

Paschæ.

In Quinden Pasch pror' futur' —	} ret	Quind Pas.
A die Pas pr' futur' in tres septim		Tres Pas.
A die Pas in tres septim pr' futur'		Tres Pas.
A die Pas in und mensē pr' futur'		¶ Pasch.
A die Pas pr' futur' in und mensē		¶ Pasch.
In Cto Ascens Dni pr' futur' —		Cto Asc.

Trinitatis.

In Cto scd Trin pr' futur' —	} ret	Cto Trin.
In Octab scd Trin pror' futur' —		Oct Trin.
In Quinden scd Trin pror' futur'		Quind Trin
A die scd Trin pror' futur' in tres septimanas		Tres Trin.
A die scd Trin in tres septimanas pror' futur' —		Tres Trin.

Attachment.

Item etc. salutem tibi precipimus qđ attach ¶. ¶. Ita qđ eum heas coram nobis in Canc nra etc. ubi cunq tunc fuer ad respondend nobis tam de quodam contemptu p pñat ¶. nob illat ut dicitur qđ super his que sibi tunc ihm obicientur & ad faciend & ulterius recipiend quod dea Cur nra considerabit in hac pte & hoc nullatenus omittas Et habeas ibi hoc bre.

Directio

Directio Attach' in Cestr'.

Camerar' Comd Palatin' nrd Cestr' sive ejus deputat' ibm salutem vobis mandamus qd per h're nrm sub sigillo Comd Palatin' nrd vicecomd pdict' ejusdem Comd detis in mandatis qd attach' &c. Labelt Camer' Comd Palatin' Cestr' sive ejus deputat' att' &c.

Vel sic.

Camerar' Comd Palatini nrd sive ejus deputat' Attach'.

Indorfetur sic.

Per Cur' quia non comperit.

Directio Attach' Ducat' Lancast'.

Rex &c. Cancellar' Ducat' nre Lancast' sive ejus deputat' (Ut in ceteris ut supra.)

Directio Attach' Episcopo Dunelm'.

Rex &c. Reverendo in Christo patri Johi Dno Ep'o Dunelm' sive ejus locum tenend' ibm salutem vobis mandamus qd p h're nrm sub sigillo vestro Ep'atus pdict' debite conficiend' Vic' Dunelm' pdict' detis in mandatis qd att' A. B. &c.

Proclamatio Rebellion'.

Rex &c. Vic' Ebor' salutem Precipimus tibi qd in omnibus loc' infra Balliv' tuam tam infra libertates quam extra ubi magis expediri videris ex parte nra publice proclamari fac' qd A. B. sub pena ligan' sue coram nobis in Curia Canc' nre (tali Reton) ubi

cunq; tunc fuer' personalit' compareat & nichilominus si p̄fat A. interim invenire poteris ipsum attach. Ita qđ eum habeas coram nobis in Curia nostra p̄dict ad diem p̄dict ad respondend' nobis tam de quodam contempt' p̄ p̄fat A. Nobis illat' ut dicitur quam super hiis que sibi tunc ibm obficientur & ad faciend' ulterius & recipiend' quod dicta Curia nostra consideraſit in hac parte & hoc nullatenus omittas & habeas ibi hoc breve Teſte &c.

Attach' Priviledg'.

Rex &c. Wic' Lincoln' salutem tibi p̄cipimus qđ Attach C. F. Ita qđ eum habeas coram nobis in Canc' nostra (tali Retorn) ubicunq; tunc fuer' ad respondend' C. R. und' Clericor' M. B. unius sex Clericor' Curie Canc' nre p̄o de eo qđ idem C. F. reddat p̄fat C. R. decem libras quas ei debet & iniuste detinet ut dicitur & ad faciend' ulterius & recipiend' &c.

Com' Rebellionis.

Rex &c. dilectis sibi &c. salutem Quia R. B. cui per publicas proclamationes per Wic' Hartford in diversis locis ejusdem Com' virtute brevis nostri eidem Wic' direct' ex parte nra fact' p̄cept' fuit qđ idem R. sub pena ligeanc' sue coram nobis in Cancell' nra ad certum diem jam p̄terit' personaliter compareret mandato tamē nostro in ea parte parere manifeste contempserit ideo vobis conjunctim & divisim mandamus qđ p̄fat R. ubicunq; fuer' invent' infra regnum nostrum Angl' tanquam rebell' & legis nre contemptorem attach' vel attach' fac' Ita qđ eum habeas coram nobis in dicta Canc' nostra (tali Retorn) ubicunq; tunc fuer' ad respondend' nobis tam de quodam contemptu quam super hiis que sibi tunc & ibidem obficientur & ad faciend' ulterius & recipiend' quod dicta Curia nostra consideraſit in hac parte & hoc nullatenus omittas Damus etiam universis

universis & singulis Majoribus Vicecomitibus Ballivis
Constabulariis & al' Officiariis & Ministris Regis &
Subditis nris quibuscumq; tam infra libertates quam
extra tenore plentid' firmit' in mandatis qd' vobis &
cuiuslibet vestrum in executione pmissorum attendend' sint
& assistend' in omnibus prout decet In cuius rei tes-
timonium has literas nostras fieri fecimus patentes
Teste R. &c.

Docket Com. Rebellionis.

Mic &c. Comd' Rebel' direct' &c. conjunctim & di-
visim attach' A. B. ad sextam C. D. &c. Teste Rege
&c.

Dedimus Potestatem sive Commissio ad recipiend'
Respons'.

Rex &c. dilectis &c. Cum H. M. Duer' quandam pe-
titionem coram nobis in Cancell' nostra versus G. B.
Def. nuper exhibuer' Adq; eidem def. per breve nrum
nuper pcepimus qd' esset coram nobis in dicta Canc'
nostra ad certum diem jam pterit' petitioni p'dict' re-
sponsur' sciatis qd' nos de fidelitatibus & p'obidis cir-
cumsp'ectionibus vestris plurim' confidentes dedimus
vobis tribus vel duobus vrm plenam potestatem & au-
thoritatem ipm def. de & super materia peticonis p'dict'
super sacramentum suum tact' per ipsum prius coram
vobis tribus vel duobus vrum sup' sacrosctis Dei Evan-
gel' corporalit' p'restand' diligent' examinetis responsio-
nemq; sua eidem petitioni fiend' recipiatis & in scriptis
in pergamento redigatis & cum ill' sic ceperitis eum
nobis in Cancellar' nostram (tali retorn') ubicumq;
tunc fuer' sub sigillis vris trium vel duorum vestrum
distinct' & aperte mittatis unacum tenore p'dict' Et hoc
breve Teste &c.

Com' ad examinand' Testes super Interrogator'.

Rex &c. salutem sciatis qđ nos de fidelitatibus & providis circumspectionibus vris plurimū confidentes assignamus ac tenore p'sentium damus vobis tribus vel duobus vrum plenā potestāt & auctoritatē testes quoscūq; de & super quibusdam inter' tam ex parte R. S. Quer' quam ex parte T. M. Def. seu earundem partium alterius vel tribus vel duobus vestrum ministrand' sive deliberand' diligent' examinand' & ideo vobis tribus vel duobus vestrum mandamus qđ ad certos dies & locos quos ad hoc provideritis p'sat testes coram vobis tribus vel duobus vestrum venire fac' & evocetis ac ipsos testes & eorum quemlibet per se separatim de & super inter' p'dict' super sacramenta sua tant' per ipsos prius coram vobis tribus vel duobus vestrum super sacrosanctis Dei Evangeliiis corporalit' p'stat diligenter examineris examinationesq; suas super eisdem recipiat' & in scriptis in pergamento redigatis Et cum illi sic cepitis eas nobis in Cancell' nostram (tali Rectori) ubicūq; tunc fuerit sub sigillis vestris trium vel duorum vestrum distincte & aperte mittatis unacum Inter' p'dict' & hoc bre' Teste &c.

If to examine a Defendant touching a Contempt by him committed.

Presentibus interclus. T. M. Def. tangend' quendam contemptum p'dict' T. in materia R. sue perpetrat' ut dicitur diligenter examinand' &c.

Commis. ad rec. Placita & Morationes.

Rex &c. Dilectis &c. Cum P. Z. Quer' quandam petitionem coram nobis in Cancellar' nra versus A. B. nuper exhibuit Adque eidem def. per breve nostrum nuper precepimus qđ esset coram nobis in dicta Cancellar'

cellar' nostra ad certum diem jam p̄terit' responsur' Sciatis qđ nos de fidelitatibus & p̄vidis circumsp̄ctionibus vestris plurimum confidentes dedimus vobis tribus vel duobus vestrum plenam potestatem & auctoritatem juxta directionem Curie nostre p̄dict' specialem responsionē dicti def. eidem petitioni fiend' cuius quidē tenorem vobis mittimus p̄sentibus interclus' super sacramentum suum sacrosancta Dei Evangelia corpora- liter p̄stand' vel placitum suum super sacramento suo vel absque sacramento suo p̄stand' sive morationem p̄dict' def. queremoni p̄dict' fiend' debe & respective recipiend' Et ideo vobis tribus vel duobus vestrū mandamus qđ ad certū diē & locum quos ad hoc p̄videritis ad p̄fat' def. si commode ad vos laborari non possit accedatis ac responsionē sive p̄litum aut morationem suam p̄dict' debe & respective ut p̄dicitur recipiatis Et in scriptis in pergamento redigatis Et cum illas sive illa sic recipitis eas sive ea nobis in dictam Cancell' n̄am &c. Teste &c.

Commis. ad eligend. Guardian. pro Infant.

Rex &c. Dilectis sibi &c. salutem Cum A. B. Quer' quandam petitionem coram nobis in Curia n̄ra verlus C. D. def. nuper exhibuerunt Cumq; p̄fat' C. D. infans est & respondere non possit sine Guardiano in ea parte sibi assignand' Nōq; eidem def. per breve nostrum nuper p̄cepimus qđ esset coram nobis in dicta Curia Cancell' nostre ad certum diem jam p̄terit' p̄f' p̄dict' responsur' Sciatis qđ nos de fidelitatibus & p̄vidis circumsp̄ctionibus vestris plurimum confidentes ac secundum directionem Curie nostre in hac parte specialem assignavimus vos ac tenore p̄sentium damus vobis tribus vel duobus vestrum plenā potestatem & auctoritatem Guardianū p̄o p̄dict' def. eligend' & constituend' ac ipsum def. per Guardianū suū de & super materia petitionis p̄dict' cuius tenorem vobis mittimus p̄sentibus inclus' diligenter examinand' Et ideo vobis tribus

vel duobus vestrum mandamus qđ ad certos dies & loca quos ad hoc p̄bideritis ad p̄fat def. si commode ad vos laborari non possit accedatis ac ipsum def. per Guardianū suum de & super materia petiē p̄dict super sacramentum Guardianū tact per ipsum prius coram vobis tribus vel duobus vestrum sacrosanctis Dei Evangelī corporaliter p̄stand diligenter examinetis responsionemq; suam eidem petiōni fiend recipiatis & in scriptis in pergamento redigatis Et cum ill sic ceperitis &c.

A Commission to chuse a Guardian, and to take his Answer and other Defendants Answers.

Rex &c. Dilectis sibi &c. salutem Cum C. D. Quer C. F. infans &c. vsus G. H. Def. nuper exhibuer &c. Sciatis qđ dedimus vobis tribus vel duobus vestrum ac secundum directionē specialem Curie nre p̄dict assignavimus vos ac tenore p̄sentid damus vobis tribus vel duobus vestrum potestāt & auctoritatē Guardianū p̄dict C. F. infant assignand & constituend per quem idem infans petitioni p̄dict respondere poterit Et superinde damus vobis tribus vel duobus vestrum ulteriozem potestatem & auctoritatem ipsos G. H. & al & ipsum infant per Guardianū suū p̄dict de & super materiā petitionis p̄dict cūjus tenorem vobis mittimus p̄sentibus infclū ad diligenter examinand Et ideo vobis tribus vel duobus vrum mandamus qđ ad certos dies & loca quos ad hoc p̄bideritis ad p̄fat def. si comode ad vos laborare non possit accedatis ac pro p̄dict C. F. Infant Guardianū eligatis & constituatis Necnon p̄dict Infant per Guardianū suū p̄dict & p̄dict G. H. def. de & super materiā petitionis p̄dictę super sacramentū p̄ Guardianū ac etiam p̄dict G. H. per sacramentum suū tact per ipsos prius respective coram vobis tribus vel duobus vestrid sacrosanctis Dei Evangelīis corporalit p̄stand diligenter examinetis Responsio

Responsionesq; suas respective supinde recipiatis & in scriptis in pergameno redigatis &c. T. R.

Commis. ad audiend' & determinand.

Rex &c. salutem Cum quedam materia litis & controverſie corā nobis in Cancellar' nostra inter &c. orta & mora & adhuc indeciſa & indeterminata pendet Sciatis qđ nos de fidelitatibus & probidīs circumſpectionibus veſtris plurimū confidentes assignavimus vos ac tenore preſentium damus in complemento cuſuſdam ordinis gerendū dat' &c. vobis tribus vel duobus veſtrum plenam poteſtatem & authoritatem ex pleno libero & unanimo aſſenſu & conſenſu partium predict' & eorum cuſuſlibet teſtes quoscuq; de & ſuper quibuldā interrog' per partes predict' pducendū tam ex parte predict' quer' quam ex parte predict' def. vobis tribus vel duobus veſtrum miniſtrandū diligenter examinandū Necnon damus vobis quatuor vel pluribus veſtrum ulteriozem poteſtatem & authoritatem ex aſſenſu & conſenſu predict' materiam predict' audiendi conſiderandi examinandi & absolute ſi poteritis terminandi Et ideo vobis tribus vel duobus vel pluribus veſtrum mandamus qđ ad certos dies & loca quos ad hoc provideritis teſtes preſtidos corā vobis tribus vel duobus veſtrum venire fac' & evocetis ac ipſos teſtes & eorum quemlibet per ſe ſeparatim de & ſuper interrog' predictis ſuper ſacramenta ſua tact' per ipſos prius corā vobis tribus duobus vel pluribus veſtrum ſacroſanctis Dei Evangel' corporat' pſtandū diligent' examinetis ac ſuperinde volumus qđ ſi vos duo vel plures vrum materia predict' ſic finire & determinare non poteritis tunc volumus qđ vos duo vel plures vrum depoſitiones teſtidū predict' ſic p vos cap't in Cancellar' nra predict' in &c. ubicunq; tunc fuer' ſub ſigill' veſtris trium duor' vel plur' vrum clauſū diſtinde & aperte mittatis hoc bre tunc remittendū unacū inter predict' pviſo qđ dict' def. habeat pmonitionē p ſpaciū 14 dieꝝ de die & loco examinaōis pſentium T. R. &c.

A Commission to a Master upon Account and Discount.

Rex &c. Dilecto & fideli suo Willmo Glascock M^{re} uni magistrorum in Curia Cancellar^{is} nostre salutem Sciatis qd^o ded^o tibi plenam potestatem & auctoritatem testes quoscunq^{ue} super sacramenta sua ad proband^{um} & pateficiend^{um} veritat^{em} comput^{us} ac receptionem & solutionem alicujus rei vel comput^{us} p^{ro}dict^{us} concernend^{um} & adhuc examinand^{um} juxta tenorem & veram intentionem cujusdam ordinis gerend^{um} dat^{us} &c. Int^{er} &c. fact^{us} & reddit^{us} diligenter examinand^{us} & ideo tibi mandamus qd^o executionem p^{re}missorum diligenter intendas ac adhi^{is} testibus p^{ro}dict^{is} & eor^{um} cujuslibet sacramenta per sancta Dei Evangel^{ia} coram te corporaliter p^{re}stand^{um} ipsos de veritat^{em} diligenter examinand^{um} Ac omnia & singula fact^{us} exequaris juxta tenorem & veram intentionem ordinis p^{ro}dicti & cum hoc feceris tunc nos de veritate p^{re}missor^{um} per relationem in script^{is} ea celeritate qua poteris in Cancell^{aria} n^{ost}ra p^{ro}dict^{us} reddas certiores T. R. &c.

A Commission to examine Witnesses in the Country touching an Account.

Rex &c. Dilectis sibi &c. salutem Sciatis qd^o nos de fidelitatibus & p^{ro}vidis circumsp^{er}ationibus vestris plurimum confidentes allig^{amus} vos ac tenore p^{re}sentium damus vobis tribus vel duobus v^{ost}rum plenam potestatem & auctoritatem in complemento cujusdam ordinis in Curia Cancell^{aria} n^{ost}re int^{er} &c. super materiam litis inter partes p^{ro}dictas fact^{us} gerend^{um} dat^{us} p^{re}sentium testes quoscunq^{ue} ita ex parte p^{ro}dict^{us} quer^{at} qua^m ex parte d^{ic}t^{us} def^{ens} seu earundem partium alius de & super quibusdam Interrog^{atoriis} vobis tribus vel duobus v^{ost}rum ministrand^{um} sive deliberand^{um} tangend^{um} sive concernend^{um} materias in ordine p^{ro}dict^{us} specificat^{as} diligent^{er} examinand^{as} & ideo vobis tribus vel duobus v^{ost}rum mandamus qd^o ad certos dies

die & locos quos ad hoc provideritis testes p̄dict coram vobis tribus vel duobus vestrum venire fac & evocetis Ac ipsos testes & eorū quemlibet per se separatim de & sup sacramenta sua tact p̄ ipsos prius coram vobis tribus vel duobus v̄rum sacrosctis Dei Evangel cor̄poralit̄ p̄stans diligent examinetis Examinationesq̄ suas super eisdem recipiat̄ & in scriptis in pergamento redigatis & cum illas sic ceperitis eas nobis in dicta Cancellar nostram &c. ubicunq̄ tunc fuer sub sigill vestris triū vel duorū vestrum claus̄ distinde & aperte mittatis unacum tenore p̄dict & hoc b̄ve faciend in p̄missis juxta directionem veramq̄ intentionem ordinis p̄dict cū tenorem vobis mittimus per latozem p̄sentium T. secundum dat ordin &c.

Certiorari for Depositions taken.

Rex &c. Dilectis &c. salutem volentes certis de causis Cerciorari super qualdam depositiones testium int̄ G. H. quer & C. D. def. per vos tres vel duos vestrū virtute b̄veis nostri de commissione vobis in ea parte direct cap̄ & adhuc penes vos vel aliquem vestrum residend ut dictum est vobis & cuilibet vestrum mandamus qđ depositiones p̄dict cum omnibus eas tangend adeo plene & integre p̄out coram vobis vel aliquo vestrum cap̄ fuer & penes vos jam resident vobis in Cancell nostr &c. ubicunq̄ tunc fuer sub sigillis vestris triū vel duorū vestrū claus̄ distinde & aperte mittatis Et hoc b̄ve T. R. &c.

Distringas Vic' &c. sectam unius Clericorum
Canc. nostræ.

Rex &c. Vic Dors salutem Precipimus tibi qđ distringas A. B. nuper Vicecom̄ Com̄ tui p̄decessor̄ rem tuum in officio Vic Dors p̄dict per omnia terras & tenementa sua in Valliva tua Ita qđ nec ipse nec aliquis per ipsum ad ea manus apponat donec aliter

A Commission to a Master upon Account and Dis-
count.

Rex ꝛc. Dilecto & fideli suo Willo Glascock M^{re}
uni magistrorum in Curia Cancellar^{is} nostre salutem
Sciatis qđ deo tibi plenam potestatem & auctoritatem
testes quoscunq; super sacramenta sua ad p^{ro}band &
pateficiend veritat^{em} comput ac receptionem & solutio-
nem alicujus rei vel comput p^{ro}dict concernend & adhuc
examinat juxta tenorem & veram intentionem cusul-
dam ordinis gerend dat ꝛc. Int ꝛc. fact & reddit di-
ligenter examinand & ideo tibi mandamus qđ execu-
tionem p^{re}missorum diligenter intendas ac adhit te-
stibus p^{ro}dict & eor^{um} cujussibet sacramenta per sancta Dei
Evangel^{ia} coram te corporaliter p^{re}stand ipsos de veritat^{em}
diligenter examinand Ac omnia & singula fact ex-
quaris juxta tenorem & veram intentionem ordinis
p^{ro}dicti & cum hoc feceris tunc nos de veritate p^{re}missor^{um}
per relationem in script^{is} ea celeritate qua poteris in
Cancell^{ia} n^{ost}ra p^{ro}dict reddas certiores L. R. ꝛc.

A Commission to examine Witnesses in the Country
touching an Account.

Rex ꝛc. Dilectis sibi ꝛc. salutem Sciatis qđ
nos de fidelitatibus & p^{ro}bis circumspectionibus vestris
plurimum confidentes assign^{amus} vos ac tenore p^{re}sentium
damus vobis tribus vel duobus v^{ost}rum plenam potesta-
tem & auctoritatem in complemento cusuldam ordinis
in Curia Cancell^{ia} n^{ost}re int ꝛc. super materiam litis
inter partes p^{ro}dictas fact gerend dat p^{re}sentium testes
quoscunq; ita ex parte p^{ro}dict quer^{um} quā ex parte d^{ict} def.
seu earundem partium alius de & super quibusdam
Interrog^{is} vobis tribus vel duobus vestrum ministrand
sive deliberand tangend sive concernend materias in or-
dine p^{ro}dict specificat diligent^{er} examinand & ideo vobis
tribus vel duobus vestrum mandamus qđ ad certos
dies

die & locos quos ad hoc provideritis testes predictorum coram vobis tribus vel duobus vestrum venire fac & evocetis Ac ipsos testes & eorum quemlibet per se separatim de & super sacramenta sua tacti per ipsos prius coram vobis tribus vel duobus vestrum sacrosanctis Dei Evangelii corporaliter prestando diligent examinetis Examinationesque suas super eisdem recipiatis & in scriptis in pergamento redigatis & cum illas sic ceperitis eas nobis in dicta Cancellariam nostram &c. ubicunque tunc fuerit sub sigillis vestris trium vel duorum vestrum clausis distincte & aperte mittatis unacum tenore predicti & hoc brevis faciendū in premissis iuxta directionem veramque intencionem ordinis predicti cuius tenorem vobis mittimus per latorem presentium L. secundum datū ordinis &c.

Certiorari for Depositions taken.

Rex &c. Dilectis &c. salutem volentes certis de causis Cerciorari super quasdam depositiones testium inter G. H. querentem & C. D. def. per vos tres vel duos vestrum virtute brevis nostri de commissione vobis in ea parte directi capti & adhuc penes vos vel aliquem vestrum residentem ut dictum est vobis & cuilibet vestrum mandamus quod depositiones predictas cum omnibus eas tangendis adeo plene & integre prout coram vobis vel aliquo vestrum capti fuerint & penes vos jam resident vobis in Cancellariam nostram &c. ubicunque tunc fuerint sub sigillis vestris trium vel duorum vestrum clausis distincte & aperte mittatis Et hoc breve L. R. &c.

Distingas Vic' &c. sectam unius Clericorum
Canc. nostrae.

Rex &c. Vic' Dors salutem Precipimus tibi quod distingas A. B. nuper Vicecomitem Comitis tui predecessorem tuum in officio Vicecomitis predicti per omnia terras & tenementa sua in Balliva tua Ita quod nec ipse nec aliquis per ipsum ad ea manus apponat donec aliter

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aliter a nobis inde huius in mandatis & quod de exit
eorundem nobis respondeas Ita quod habeas coram
nobis in Cancellar' nostra &c. tunc fuit corpus C. D.
quod per preceptum nostrum eidem A. in ea parte nuper
directe cepit prout ipse vobis in Cancell' nostram predictam
ad certum diem in dicto precepto nostro contentam jam pre-
terit nuper mandavit ad respondendum Johi How Gen-
t' et Clericorum W. W. ac un' sex Clericorum Curie
Cancellar' nostre predictae de placito transgressionis & ad
faciendum ulterius & recipiendum quod Curia nostra predicta
consideraverit in hac parte Et hoc nullatenus omittas
Et habeas ibi hoc breve T. &c.

Labelle Distingas p' How ret &c.

A Subpoena to testify before Commissioners.

Rex &c. A. B. &c. salutem Vobis precipimus fir-
miter injungendum quod omnibus aliis premissis & excu-
satione quacunque cessant in propriis personis vestris
sitis coram &c. Commissioner' nostris ad certum diem
quos latoz hujus brevis vobis prefixit ad testificandum & ve-
ritatem dicendum ex parte A. B. versus C. D. Et hoc sub
pena C. l. nullatenus omittas T. R. &c.

A Habeas Corpus granted de die in diem.

Rex &c. Guardian' Prisonis nostre de le Fleet sive
ejus deputat' ibidem salutem Tibi precipimus quod corpus
A. B. quocunque nomine sive additione nominis idem
A. censeatur captus & in prisona nostra sub custodia
tua detentus ut dicitur habeas coram nobis in Cancellar'
nostra immediate post receptionem hujus brevis
& sic abinde usque &c. propter futurum ubicunque tunc fuerit
ad faciendum ulterius & recipiendum quod dicta Curia nostra de
eo consideraverit in hac parte Et hoc nullatenus omittas
Et habeas ibi hoc breve T. R. &c.

Labelle Guardian' de le Fleete Ha.
Corpus lune pr. &c.

If to the Kings Bench.

Marescallo Marescalcie Cur nre coram nobis tenens
vel ejus deput ibm salutem.

If to the Gatehouse.

Rex &c. Ballio libtat Decani & Capituli Ecclesie
Colleg scd Petri Westm in Com Mido salute &c.

Commission to give Possession and divide Lands.

Rex &c. Dilectis sibi &c. salutem Sciatis qd nos
de fidelitatibus & providis circumspectionibus vestris
plurimum confidentes in complemento cuiusdam ordin
coram vobis in Cur Cancellar nostre int &c. nuper
fact & reddit gerend dat plentium assignabimus vos ac
tenore presentium damus vobis tribus vel duobus
vestrum plenam potestatem & auctoritatem domd mans
sional Grang & Firmam in Com nostro &c. & al ter
ras in queremon pdict quer coram nobis in dict Cur
nostra versus W. C. pstat defendentes exhibet querelat
& expres accedendi eaz intrandi ingrediendi & peram
bulandi ac eadem pmissa dividendi & saparandi in se
paralitat habend tenend & gaudend p pdict quer & def.
&c. Quos ad hoc pbideritis ad domd mansional Grang
& Firmam ac terras pdict accedatis eazq intretis & in
grebiamini ac eadem pmissa divideris & sepetis ac in se
paralitat omnid & singulor pmissor diligent inten
detis Ac certificationem veram de omnibus factis &
progrez vestris in premillis faciatis & in scriptis in
pergameno redigatis Et cum sic feceritis tunc certifi
cationem vestra pdict Nobis in dictam Cancellar nram
&c. ubicunq tunc fuer sub sigill vestris trid vel duoz
vestrum claus distinde & aperte mittatis unacum hoc
brevi faciend & pcedend in omnibus & singulis pmissis
pdict juxta directionem veramq intentionem ordinis
pdict T. R. &c.

A Writ

A Writ. of Assistance.

Rex ꝛc. Vic' Lanc' p tempore existēd & futur' salutem Cum per quendam ordinem coram nobis in Cur' Cancellar' nostre inter Dñam Franciscā Mozley Vid' querēd & Georgiū Faunt Armiger def. gerēd dat ꝛc. ordinat' fuit qđ breve nostrum de assistēd tibi e dicta Cur' nostra ad ponēd & conserband' p̄fat' T. R. Armig' R. D. Gen' & al' Commissionar' nostros p sequestrationem stat' real' & personar' p̄fat' defend' in man' & possessionē ejus existēd emanaret Tibi igitur p̄cipimus qđ immediate post receptionem hujus brevis ad omnia & singula terras tenementa & hereditament ac stat' real' & personar' p̄fat' defend' pertineēd in Comd tuo existēd accedas & intres ac plenam pacificam & quiet' possessionē inde p̄fat' Commissionar' aut aliquibus duobus vel pluribus eor' delibes ac in tali possessione de tempore in tempus conserbes & defendas & hoc nullatenus omittas T. R. ꝛc.

Al' Breve de Assisten'.

Rex ꝛc. Vic' Lanc' p tēpore existēd & futur' salutem Cum constiterit nobis in Cur' Cancell' nostre in quadam materia litis & controvsse coram nobis ibidem dependēd int' ꝛc. detent' est ab eodem quer' minus fuisse ut dicitur possessionē quorundam tenement' ꝛc. in manibus ꝛc. & contra tenorem & exigentiam tam cūsusdam brevis de Injunctione quam cūsusdam Commissionis nostre de Sequestrat' sub magno sigillo nostro Angl' confect' e dicta Canc' in ea parte nuper emanat' ac in contempt' nostri ejusdemq; Curie nostre manifestum sicut accepimus Sciatis igitur qđ nos p̄dict' quer' quod justum est in hac pte fieri volentes dedimus tibi plenā potestatem & auctoritatem p̄fat' quer' & assign' suis in plenam pacificam & quietam possessionem tenement' p̄dict' cum omnibus & singulis suis p̄ind' univ'rsis sine dilatione

dilatione ponendi locandi ac de tempore in tempus conserbandi iuxta veram intentionem huiusmodi nostri de injunctioe & commissionis nostre de sequestratione p̄dict. Et ideo tibi mandamus qđ immediate post receptionem huius p̄sent Commissionis nostre de sequestratione p̄dict qđ ad p̄dict Tenement cum pertinet accedas & intres & ingrediaris Et quascunq; personam vel personas possessionem ibi contra tenorem p̄sent detinentes amoveas & ejicias ac p̄dict quer' vel assign' suos in plenam pacificam & quiet possessionem ejusdem tenement & cujuslibet inde p̄tis vel p̄cess sine dilatione ponas locas & constituas ipsunq; in eadem possessione de tempore in tempus contra omnia impetus violentias & interruptiones quascunq; quotiescunq; necesse fuerit conserbes & defendas seu conservari & defendi facias iuxta tenorem veram intentionem & purport Injunctionis & Commissionis supramentionat & hoc nullatenus omittas T. R. &c.

Injunctio pro non comparend'.

Rex &c. A. B. ac Consiliar' Attornat' Solicitat' & Agentibus suis quibuscunq; & eor' cujuslibet salutem Oñens est nobis in Curia Cancellar' nostre ex parte C. D. quer' qđ cum ipse quer' p̄ quandam suam querimoniam coram nobis in Curia nostra p̄dict versus te p̄fat A. nuper exhibet relictam sibi petiverit adheri de & concernent materiis in eadem querimonia content' Actū p̄fat def. brevi nostro de subp̄a debe inserbit existendū nondum tamen comperuisti sed in contemptu nostri didicē Curie nostre manifesto sistis velut per sacramentū p̄son' satis fide dignū plenius appet unde plus te emanat est h̄c nostrum de Attach interim tamē sedā ad communem legem pro materiis p̄dictis p̄sequeris minus iuste ut accepim' Nos ad hoc considerationē &c. tibi igitur p̄fat A. B. ac vobis p̄fat Consiliar' Attornat' Solicitat' & Agentibus suis & eor' cujuslibet sub pena ducentar' librar' de terris bonis & catall' vestris ad opus

A Writ. of Assistance.

Rex ꝛc. Vic Lanc p tempore existend & futur salutem Cum per quendam ordinem coram nobis in Cur Cancellar nostre inter Dñam Francisca Mortley Wido querend & Georgid Faunt Armiger def. gerend dat ꝛc. ordinat fuit qđ breve nostrum de assistend tibi e dicta Cur nostra ad ponend & conserband pfat T. R. Armig R. D. Gen & al Commissionar nostros p sequestrationem stat real & personal pfat defend in man & possession ejus existend emanaret Tibi igitur precipimus qđ immediate post receptionem hujus brevis ad omnia & singula terras tenementa & hereditament ac stat real & personal pfat defend pertineid in Cord tuo existend accedas & intres ac plenam pacificam & quiet possession inde pfat Commissionar aut aliquibus duobus vel pluribus eor delibes ac in tali possessione de tempore in tempus conserbes & defendas & hoc nulloatenus omittas T. R. ꝛc.

Al' Breve de Assisten'.

Rex ꝛc. Vic Lanc p tēpore existend & futur salutem Cum constiterit nobis in Cur Cancell nostre in quadam materia litis & controſſie coram nobis ibidem dependend int ꝛc. detent est ab eodem quer minus iuste ut dicitur possession quorundam tenement ꝛc. in manibus ꝛc. & contra tenorem & exigentiam tam cusuldam brevis de Injunctione quam cusuldam Commissionis nostre de Sequestrat sub magno sigillo nostro Angl confect e dicta Canc in ea parte nuper emanat ac in contempt nostri ejuldemq Curie nostre manifestum sicut accepimus Sciatis igitur qđ nos predict quer quod iustum est in hac pte fieri volentes dedimus tibi plenam potestatem & auctoritatem pfat quer & assign suis in plenam pacificam & quietam possessionem tenement pdict cum omnibus & singulis suis pñd unibſis sine dilatione

dilatione ponendi locandi ac de tempore in tempus
conseruandi iuxta veram intentionem brevis nostri de
injunctiōe & commissionis nostre de sequestratione
pōict Et ideo tibi mandamus qđ immediate post re-
ceptionem hujus Plēnt Commissionis nostre de seque-
stratione pōict qđ ad pōict Tenement cum pertinent
accedas & intres & ingrediaris Et quascunq; personā
vel personas possessionem ibm contra tenorem Plēnt
detinentes amoveas & ejicias ac pōict quer vel assign
suos in plenam pacificam & quiet possessionē ejusdem
tenement & cujuslibet inde ptis vel pcell sine dilationē
ponas locas & constituas ipsūq; in eadem possessione
de tempore in tempus contra omnia impetus violentias
& interruptiones quascunq; quotiescunq; necesse fuer
conserues & defendas seu conseruari & defendi facias
iuxta tenorem veram intentionem & purpoz Injuncti-
onis & Commissionis supramentionat & hoc nullatenus
omittas L. R. &c.

Injunctio pro non comparend'.

Rex &c. A. B. ac Conciliar Attoznat Sollicitat &
Agentibus suis quibuscunq; & eoz cujuslibet salutem
Dilectis est nobis in Curia Cancellar nostre ex parte
C. D. quer qđ cum ipse quer p quandam suam queri-
moniam coram nobis in Curia nostra pōict versus te
pfať A. nuper exhibiť relictum sibi petiuerit adheri de
& concernēd materiis in eadem querimoniā content Ac
tu pfať def. breui nostro de subpa debe inseruit existēd
nondum tamen comperuisti sed in contemptu nostri
dilectz Curie nostre manifesto sistis velut per sacra-
mentū pson satis fide dignū plenius appet unde illud te
emanat est bre nostrum de Attach interim tamē lectā
ad cōmunem legem pro materiis pōictis psequeris
minus iuste ut accepim' Nos ad hoc considerationē &c.
tibi igitur pfať A. B. ac vobis pfať Conciliar Attozn
Sollicitat & Agentibus suis & eoz cujuslibet sub pena
ducentar librar de terris bonis & catall vestris ad
opus

opus nostrum levandū firmiter injungendū precipimus qđ ab omni ulteriozi prosecutione quacunq; apud comunem legem de p vel concernendū aliquibus materiis in queremō pđict content & specificat desistas & desistaris & quilibet vřum desistat donec & quousq; tu pstat des. queremō pđict direct & pfecte responderis & p contemptu tuo satisfeceris dictaq; Curia nostra aliter ordinabit in hac parte Et hoc subpena pđict &c.

Sed si exitus ad comunem legem p materiis pđunct sit vel jungi poter tunc ad triaonem ad communem legem procedere valeatis aliquo in pñentibus in contrarium non obstant iudicium tamen vel executio iudicii superinde retardantur.

Injunction for not answering super Attach'.

Rex &c. A. B. necnon Conciliar Attoznat Sollicitat & Agentibus suis quibuscunq; & eoz cuiuslibet salutem Offens est nobis in Curia Cancellar' nostre ex parte C. D. quer qđ cum idem quer per quandam suam queremō coram nobis in Curia nostra pđict versus te pstat A. des. nup exhibuit relictum sibi petierit adhiberi pro materiis in eade content Ac licet breve nřum de subpena ad comparendū & queremō pđict respondendū super te execut fuit nondum tamen respondiisti sed in contemptu nostri dicteq; Curie nostre manifesto assis unde versus te emanat est breve nostrum de attach' interim tamen sectam ad comunem legem versus pđict quer p materiis pđict psequeris minus iuste ut accepimus Nos ad hec considerationem habentes tibi igitur pstat A. B. ac vobis pstat Conciliar Attoznat Sollicitat & Agentibus suis quibuscunq; & cuiuslibet vestrum subpena quingentarū librarū de terris bonis & catallis vřis & cuiuslibet vestrum ad opus nostrum levandū firmiter injungendū precipimus qđ ab omni ulteriozi psecutione quacunq; ad comunem legem de p vel concernendū aliquibus materiis in queremō pđict querelat & expres desistas & desistaris & quilibet vestrum disistat donec & quousq;

quibus tu prefat def. queremoni pdict directe & perfecte responderis & p contempt tuo pdict satisfeceris dictaq Cur nostra aliter ordinaverit in hac parte specialiter Et hoc subpena pdict nullatenus omittatis nec omittat vestrum aliquis quovismodo T. R. &c.

Injunctio super Dedimus Potestatem.

Rex &c. A. B. necnon Consiliar Attoznat & Solicitat suis quibuscunq & eoz culibet salutem Ostens est nobis in Cur Cancellar nostre ex parte C. D. quer qd cum idem quer p quandam esus queremoni coram nobis in dicta Curia nostra versus te pfat def. nup exhibi reitum sibi petiverit adhiberi de pro vel super materiis in queremoni pdict content Adq tu prefat def. per Attoznat tuum compuisti & ded responsione tua queremoni pdict fiens in Rure ad recipiend nuper obtinuisti in diloni ejusde process quer manifestam ac interim sectam ad comunem legem pro materiis hic in questione prosequeris minus iuste ut dicitur Nos ad hec considerationem habentes Tibi igitur pfat A. B. ac vobis pfat Consiliar Attoznat & Solicitator suis pdict & vestrum culibet sub pena quingentar librar de terris bonis & catallis vestris & cusuibet vestrid ad opus nostrum levand firmiter injungend precipimus qd ab omni ulteriozi psecutione quacunq ad comunem legem de pro vel super materiis in queremoni pdict querelat desistas desistatis & quilibet vestrid desistat donec & quousq tu pfat def. queremoni pdict directe & perfecte responderis dictaq Cur nra aliter ordinavit in hac pte specialiter Et hoc &c.

Injunctio ubi contradict' est moratio.

Rex &c. A. B. ac Consiliar Attoznat Solicitat & Agentibus suis quibuscunq & eorum culibet salutem Ostens est nobis in Cur Cancellar nostre ex parte C. D. quer qd cum ipse quer p quandam sua queremoni

coram nobis in dicta Cur' nostra versus te p̄fat A. def. nuper exhibuit relictum sibi petiver' adhiberi p̄ materiis de & super obligationem quandam de penalitat' sexaginta librar' satisfact' & exonerat' p̄ agreamen' existen' & ad obtinen' obligationem p̄dict' deliberari cancelland' ad quā quidē queremon' tu p̄fat def. moztationē adhibuisti insufficien' existen' que contradic' est p̄ dictā Cur' nostram ac tu p̄fat def. ordinat' es eidē queremon' respondere sed nondum respondisti Nos ad hec considerationem habentes Tibi igitur p̄fat A. B. ac vobis Consiliar' Attornat' & Solicitor' suis & vestrum cuilibet sub pena ducentar' librar' de terris bonis & cattallis vestris & cujuslibet vestrum ad opus nostrum levand' firmiter iungend' p̄cipimus qđ ab omni ulterioz' p̄secutionē quacunq' ad communem legem de vel super obligationē p̄dict' in questione distas desistatis & quilibet vestrum desistat donec & quousq' tu p̄fat. def. querimon' p̄dict' responderis dictaq' Cur' nostra alit' ordinabit in hac pte specialit' Et hoc ꝛc. T. R. ꝛc.

Injunctio ubi est insufficien' Responsio.

Rex ꝛc. A. B. ac Consiliar' Attornat' Solicitat' & Agentibus suis quibuscunq' & eorum cuilibet salutem Ostens' est nobis in Cur' Cancellar' nostr' ex pte C. D. quer' qđ cū idē quer' p̄ quanda' ejus queremon' coram nobis in dict' Curia nostra versus te p̄fat A. def. nuper exhibuit relictum sibi petiverit adhiberi de vel pro materiis in eadem content' Nūq' tu p̄fat def. in dilationem proces' ipsius quer' responsonem invalidam & minus sufficientem queremon' p̄dict' adhibuisti velut ex relatione Johis Coel Pil' und' Magistroz' Cur' p̄dict' nobis in ea pte confect' apparet Et nihilominus lect' ad comunem legem de vel pro materiis p̄dict' p̄sequeris minus iuste ut dicitur Nos ad hec considerationem habentes (ꝛc. ut p̄dicitur) T. R. ꝛc.

Injunctio ubi nulla causa ostend'.

Reꝛ ꝛc. A. B. ac Consiliar' Attoꝛnat' Solicitator' suis quibuscunq; & eozum culibet salutem. Ostensꝛ est qđ cđ ꝑ causis & rationibus nobis in Cancellar' nra tricesimo die Septemb' instant' ex parte C. D. quer' versus te ꝑfat' A. def. ordinat' erat qđ breve nostrum de injunctione dict' Curia nostra versus te ꝑfat' def. ꝑ moratione ꝑocesꝛ tam ad communem legem versus ꝑfat' quer' super quandam obligationem ꝑ solutione centum triginta quatuor librar' ꝑ dict' quer' Robto R. testatoꝛi tuo intrat' usq; ad audium cause emanaret nisi tu ꝑfat' def. super notitiam ejusdem ordin' Clerico tuo in Cur' dand' die Veneris tunc ꝑꝑꝛ. futur' & nunc ꝑterit' bonam causam in contrariu' inde ostenderis. Nos in complement' ordin' ꝑdict' & ꝑ dictis causis & rationibus nobis eodeꝛ die Novemb' Ostensꝛ ac ꝑꝑꝛ eo qđ tu ꝑfat' def. nullam causam in contrarium ordin' ꝑdict' ostendisti sicut ꝑ certificationem Registrarii dict' Curie nostre plene apparet licet debet' ejusdem ordinis notitiam dicto Clerico tuo dat' fuit veluti ꝑ sacrament' satis fide dignum apparet. Tibi igitur ꝑfat' A. B. ac vobis ꝑfat' Consiliar' Attoꝛnat' Solicitator' & Agentibus suis quibuscunq; & eozum culibet sub pena quingentarum librarum de terris bonis & catallis vestris & cujuslibet vestrum ad opus nostrum levand' firmiter injungend' ꝑꝑꝛcipimus qđ ab omni ulteriori ꝑꝑꝛsecutione quacunq; ad communem legem versus dict' quer' de vel super obligatione ꝑdict' cesses desistes cessetis & desistatis & quilibet vestrum abhinc penitus cesset & desistat donec materia ꝑdict' in Curia dict' plenarie audiat & determinat' vel alit' ordinat' fuer' in hac ꝑꝑꝛe Et hoc ꝛc. T. R. ꝛc.

Injunctio pro pecun' deposit' in Curia.

Rex &c. Ostens est nobis in Cur' Cancellar' nostr' tertio die Febr' Anno Regni nostri vicesimo octavo ex parte C. D. quer' versus te p'fat' A. D. qd tu p'fat' def. veredict' obtinuisti ad communem legem versus p'fat' quer' pro centum libris & quatuor marc' custag' Adq' ipse quer' in manus tuas p'solvere volebat Ita ut h'be de injunctioe emanaret ad retardand' p'psecut' super veredict' p'edict' Adq' cum Consiliar' tui p'fat' def. accepisset tum ordinat' erat super solutione dictaz pecuniarum & custag' p'dict' ad diem in ea parte constitut' dictum h'be de injunctioe sam quia dict' quer' secundum directionem ordin' p'dict' in Cur' p'ulit p'dict' summam centum librar' cum custag' p'dict' velut p' certificationem Bastiarii dict' Cur' nostre plenius liquet Nos ad hec considerationem habentes specialem Tibi igitur p'fat' A. B. ac vobis p'fat' Consiliar' Attoznat' Solicitatoribus & Agentibus p'dict' & culibet vestrum sub pena ducentaz librar' de terris bonis & catallis vestris & cusuibet vestrum ad opus nostrum lebans firmiter injungend' p'cipimus qd ab omni ulteriozi p'psecutione quacunq' ad communem legem de pro vel sup veredict' p'dict' adhuc penitus desistes desisteris & quilibet vestrum desistet donec materia p'edicta &c. Et hoc &c.

Injunctio ad quietand' Possession'.

Rex &c. A. B. Theologie Professor Decan' Ecclesie Cathedral' &c. ac cuicunq' al' person' sive quibuscunq' al' personis aliquid jus statum titulum clamed' usum possessionem interesse sive demand' de vel in quadam parcell' terre vocat' &c. in queremond' C. D. quer' coram nobis in Cur' Cancellar' nostr' versus te p'fat' A. def. nuper exhibi' mentionat' & specificat' aut de vel in aliqua inde part' vel parcell' p' vel subter vos seu vestru' aliquem

aliquem habendū clamanū seu vendicanū & eorū cuilibet salutem. Ostensū est nobis in Cur' Cancellar' nostre predict' qđ dict' quer' p queremoniā suā pdict' relevari petiverit p terr' predict'. Adq; tu p̄fat' def. responsionem tuā adinde adhibuisti. Ac licet dictus quer' habuit actual' possessionē terr' pdict' p spacium &c. ult' p̄erit ante exhibitionem queremoniā p̄d velut ex sacramento plenius manifestum est. Tu tamen p̄fat' def. possessionem dicti quer' disturbare conaris minus iuste ut dicitur. Nos ad hec considerationē habentes. Tibi igitur p̄fat' A. B. ac vobis ceteris psonis supradict' & cuilibet vestrum sub pena ducentarū librarū de terris bonis & catallis vestris & cujuslibet vestrum ad opus n̄rum levandū firmiter injungendū p̄cipimus qđ ab omni ulterioři p̄secutionē versus dictum quer' & assignat' suos plenā quietā & pacificā possessionem terr' in queremoniā pdict' ut p̄fertur querelat' & cujuslibet inde partis vel parcelle habere gaudere uti frui tenere & possidere permittatis & quilibet vestrum p̄mittat in tam amplis modo & forma p̄out dict' quer' & assignat' sui tempore exhibitionis queremoniā pdict' p spacium trium annorum antea habuerunt possiderunt tenuerunt usi & gavisī fuerunt aut eorū aliquis habuit tenuit usus vel gavisus fuit donec & quousq; m̄xia p̄dict' corā nobis in Canc' n̄ra p̄dict' plenā audīt & determinat' fuit. Et hoc &c. T. R.

A Writ where Decree is for payment of Mony.

Rex &c. A. B. salutem. Cum p quoddā decret' in Cur' Canc' n̄re decimo septimo die Maii ult' p̄erit Ad Reg' n̄ri r̄b̄iis ordinat' & adjudicat' existit & in Cur' nostra p̄dict' irrotulat' qđ tu p̄solveres C. D. decē lib' legalis monet' Angl'. Tibi p̄cipim' & firmiter injungendū mandamus qđ p̄fat' decē libr' p̄fat' C. D. debīt modo solvas & hoc sub piculo incumbendū nullatenus omittas. T. R. &c. Bre de executionē direct' pro A. versus B. &c.

Labelle A. B. solvend' C. D. decem libras

Duces tecum.

Item ꝛc. A. B. salutem Quibusdam certis de causis coram nobis in Cur nostra propositis Tibi precipimus firmiter instigend qđ omnibus aliis p̄missis & ex-
 culatione quacunq; cessand in p̄pria p̄sona tua sis coram
 nobis in Cur Cancellar nostr in quinden Pasch ubi-
 cunq; tunc fuer ducens vel duci faciens quedam scrip-
 tur que in responsion tua queremon C. D. quer
 fact in manibus vel custodia tua remanere confessus es
 vel tunc & ibidem bonam & sufficiend causam in contra-
 rium ad ostend Et ad faciend ulterius & recipiend quod
 dict Cur nostra consideraverit in hac pte Et hoc nul-
 latenus omittatis Et habeas ibi hoc breve L. R. ꝛc.

A Commission to examine Workmen upon a Con-
 tempt.

Item ꝛc. A. B. ꝛc. salutem Sciatis qđ ꝛc. affig-
 navimus vos ac tenore p̄sentium damus vobis tribus
 vel duobus vestrum plenam potestatem & authorita-
 tem L. P. R. G. ꝛc. tangend contempt per dictos L.
 & R. ꝛc. perpetrat ut dicitur in quadam materia in-
 ter A. B. quer & C. D. def. de & super quibusdam In-
 terrogator p̄sentibus interclus diligenter examinandi
 & ideo vobis tribus vel duobus vestrum mandamus
 qđ ad certos dies & locos quos ad hoc provideritis pres-
 sat L. & R. ꝛc. coram vobis tribus vel duobus vestro
 venire fac & evocetis ac p̄dict L. & R. & eor quem-
 libet p se separatim de & super Interrog p̄dict super
 sacramenta sua tact ꝛc.

Labelꝝ A. B. ꝛc. Gen tribus vel duobus
 eor ad exam. P. & G. ꝛc. sup
 Inter ministrand inter ꝛc. sup
 notis sex dierum def. & partibus
 p̄dict dand,

Injunction

Injunction to stop wast committed upon Glebe Lands.

Reverend A. B. Pecnon Operar' Servien' Agent & Assignat' suis quibuscumq; & eorum cuilibet salutem. Ostenz est nobis in Curia Cancellar' nostre ex parte C. D. quer' versus te pstat A. def. qd idem quer' in feodo seistus existens manerii seu dominij de B. cum pertinen' ac Advocacionis & juris Patronagii Ecclesie Parochial' ibm Ac qd idem quer' adinde p'sentaret sup aliqua vacuitate ad dict' Rectoriam (vacua existente) dictusq; quer' C. F. sacre Theologie professor' adinde p'sentabat qui ultro fuit admissus institutus ac in eandem Rectoriam induct' adeoq; debent inticulat' p'quisit' illius attamen tu pstat def. p'tendens aliquam habere p'sentac' A. B. p'p' ac existens in possessione illius & intelligens qd idem quer' eandem ad comunem legem recuperare intendat deq; titulo tuo hesitans ac possessionem dictorum p'missorum eide C. F. deliberare reculans vero tamen basta magna & spolia super illdem p'missis arando & in agriculturam convertendo antiqua p'zata & pasturas terras glebales ejusdem Rectorie que a tempore hominum cujus memoria non existit nequaquam arat' fuer' Pecnon holcos supinde astant' & crescent' discindis & p'osternis minus fuste ut dicitur. Nos ad hec considerationem habentes Tibi igitur pstat A. B. ac vobis omnibus supramentionat' personis & vestrum cuilibet sub pena quingentar' librar' de terris & catallis vestr' & casuilibet vestrum ad opus nostrum lebando firmiter injungend' p'cipimus qd aliqua plura basta sive spolia in de vel sup p'missis p'dict' ut p'fertur facere p'petrare seu comittere distas desistatis & quilibet vestrum semp' desistat donec materia p'dict' coram nobis in dict' Cancellar' nostra plenar' fuit audit' Et hoc sub pena p'dict' &c.

Dedimus Potestatem ad examinand' Commitissam
super honorem.

Rex &c. Dilectis sibi &c. Cum A. B. quer' quando
petitione &c. versus p'nobil' Eliz. Comitiss' de Norwic
des. nuper exhibuit Sciatis qđ nos de fidelitate & pro-
bidis circumspectionibus vestris plurimum confidentes
assignabimus vos ac tenore p'sentium damus vobis
tribus vel duobus vestrum potest' & auctoritat' ipa
des. de & super materiam petitionis p'dict' cujus tenorem
vobis mittimus p'sentibus interclus' diligent' exami-
nand' Et ideo vobis tribus vel duobus vestrum manda-
mus qđ ad certos diem & locum quos ad hoc p'videritis
ad p'sat' des. accedatis ac ipsam des. de & super materia
petitionis p'dict' attestand' super honore coram vobis
tribus vel duobus vestrum ac adunc vis per ipsam
sacrosanctis Dei Evangel' diligent' examinaretis Respon-
sionemq; suam eidem petic' fiend' recipiatis & in scriptis
in pergamento redigatis Et cum ill' sic ceperitis eam
nobis in dict' Cancell' nostr' &c.

Habeas Corpus cum Causa.

Rex &c. Majori &c. Willelmo Lincoln salutem Tibi p-
cipimus qđ corpus J. G. quocunq; nomine sive addi-
tione nominis censeatur capt' & in p'isone nostr' sub
custodia tua p te p'sat' Willelmo detent' ut dicitur habeatis
coram nobis in Canc' nostr' &c. ubicunq; tunc fuer' una
cum causa seu causis captionis & detentionis ipsius J.
in p'isone p'dict' & ad fac' ultius & recipiend' quod dict'
Cur' n'ra consideraverit in hac pte Et hoc nullatenus
omittas Et habeas ibi hoc h'rede T. R. &c.

To the Kings Bench.

Marescallo Marescallie v're in Cur' n'ra coram nobis
sive ejus deputat' ibm salutem &c.

Non

Non ponend' in Assis.

Rex ꝛc. Vñ salutem Cum de communi Concilio Regni nostri Angl' provisum sit qđ homines etas sexagint' & decem annorum excedentes aut perpetuo languidi existentes non ponantur in Assis Jurat' sive Recognitionibus aliquđ Tibi ꝑcipimus qđ si W. W. de ꝛc. Gen' etatem ꝑdict' excesserit aut ꝑpet' languid' sit tunc ipm W. in Assis jurat' sive recognitionibus non pones seu poni fac' contra formam provisionis ꝑdict' & distinctionem si aliqua eidem W. ea occasione feceris sive dilone relaxes eidem A. ꝛc. ꝑ Cur'.

Ne exeat Regnum.

Rex ꝛc. Vñ salutem Quia dat' est nobis intelligi qđ A. B. versus partes exteras ad qund' plura nobis & quam pluribus de populo nostro ꝑjudicialia & damnosa ibm ꝑsequeñd' ire proponit Nos ad hec consideration' habentes & malitie sue resistere volentes in hac parte Tibi ꝑcipimus firmiter injungend' qđ absq' dilone diffugia ꝑfat' A. coram te corporalit' venir' fac' ac ipm ad sufficientem manucaptozem inveniend' qui eum manucapere voluerit sub certa pena sibi per te rationabiliter imponend' ꝑ qua nobis respondere voluer' qđ ipse versus aliquas partes extraneas sine licentia nostra special' se non divertet nec quisquam ibm ꝑsequetur aut ꝑsequi vel attentare ꝑsumet quod in nři contempt' vel ꝑjudiciū aut populi nostri dampnū sedere valeat nec aliquem vel aliquos ibm mitti ex hac causa quovismodo compellas Et si hoc coram te facere recusabit tunc ipsum A. B. ꝑxor. ꝑrison' nře committas in eadē salvo custodiend' quousq' hoc gratis facere voluerit Et cum securitat' illa sic cepis nos in Canc' nŕe sub sigillo tuo distinde & aperte reddas certiores hoc bzeve nobis remittend' T. R. ꝛc.

Commis.

Dedimus Potestatem ad examinand' Commitissam
super honorem.

Rex &c. Dilectis sibi &c. Cum A. B. quer' quanda
petitione &c. versus p'nobil' Eliz. Comitiss' de Norwic
def. nuper exhibuit Sciatis qd nos de fidelitate & pro-
bidis circumspectionibus vestris plurimum confidentes
assignabimus vos ac tenore p'sentium damus vobis
tribus vel duobus vestrum potest' & authoritat' ipa
def. de & super materiam petitionis p'dict' cuius tenorem
vobis mittimus p'sentibus interclus' diligent' exami-
nand' Et ideo vobis tribus vel duobus vestrum manda-
mus qd ad certos diem & locum quos ad hoc p'videritis
ad p'sat' def. accedatis ac ipsam def. de & super materia
petitionis p'dict' attestand' super honore coram vobis
tribus vel duobus vestrum ac adtunc vis per ipsam
sacrosanctis Dei Evangel' diligent' examinetis Respon-
sionemq' suam eidem peti'ci fiend' recipiatis & in scriptis
in pergamento redigatis Et cum ill' sic ceperitis eam
nobis in dict' Cancell' nostr' &c.

Habeas Corpus cum Causa.

Rex &c. Majori &c. Wic' Lincoln salutem Tibi p-
cipimus qd corpus J. G. quocunq' nomine sive addi-
tione nominis censeatur capt' & in p'risona nostr' sub
custodia tua p te p'sat' Wic' detent' ut dicitur habeatis
cora nobis in Canc' nostr' &c. ubicunq' tunc fuer' una
cum causa seu causis captionis & detentionis ipsius J.
in p'risona p'dict' & ad fac' ultius & recipiend' quod dict'
Cur' n'ra consideraverit in hac pte Et hoc nullatenus
omittas Et habeas ibi hoc breve T. R. &c.

To the Kings Bench.

Mariscallo Mariscalcie v're in Cur' n'ra coram nobis
sive ejus deputat' ibm salutem &c.

Non

Non ponend' in Assis.

Rex ꝛc. Vñ salutem Cum de communi Concilio Regni nostri Angl' provisum sit qđ homines etas lxx annos & decem annorum excedentes aut perpetuo languidi existentes non ponantur in Assis Jurat sive Recognitionibus aliqđ Tibi precipimus qđ si W. W. de ꝛc. Gen' etatem pdict' excesserit aut ppet' languid' sit tunc ipm W. in Assis jurat sive recognitionibus non pones seu poni fac' contra formam provisionis pdict' & distinctionem si aliqua eidem W. ea occasione feceris sive dilone relaxes eidem A. ꝛc. p Cur.

Ne exeat Regnum.

Rex ꝛc. Vñ salutem Quia dat' est nobis intelligi qđ A. B. versus partes externas ad quid plura nobis & quam pluribus de populo nostro pjudicialia & damnosa ibm prosequend' ire proponit Nos ad hec consideration' habentes & malicie sue resistere volentes in hac parte Tibi precipimus firmiter injungend' qđ absq; dilone diffugia pstat A. coram te corporalit' venir' fac' ac ipm ad sufficientem manucaptozem inveniend' qui eum manucapere voluerit sub certa pena sibi per te rationabiliter imponend' p qua nobis respondere voluer' qđ ipse versus aliquas partes extraneas sine licentia nostra special' se non divertet nec quisquam ibm prosequetur aut prosequi vel attentare psumet quod in nri contempt' vel pjudicium aut populi nostri dampn' cedere valeat nec aliquem vel aliquos ibm mitti ex hac causa quovismodo compellas Et si hoc coram te facere recusabit tunc ipsum A. B. p'ox. prison' nre committas in eade' salvo custodiend' quousq; hoc gratis facere voluerit Et cum securitat' illa sic cepis nos in Canc' nostr' sub sigillo tuo distinde & aperte reddas certiores hoc v'rebe nobis remittend' T. R. ꝛc.

Commis.

Commis. ad assignand' Guardian' Lunatico.

Rex &c. Dilectis sibi &c. Cum Jacobus Golding
 Gen' quer' quandam suam querimon' coram nobis in
 Cur' Cancellar' nostre versus Johem Spinedge lunat
 & al' def. nuper exhibuer' Nosq' eidem def. per breve
 nostrum nuper pcepimus qd essent coram nobis in
 dict' Cur' Cancellar' nostr' ad certum diem jam pterit
 petition' p'dict' responsur' Sciatis qd nos in complend'
 cuiusdam ordi' dict' Cur' inter partes p'dict' fact'
 gerend' dat' &c. assignabimus vos ac tenore presen-
 tium damus vobis tribus vel duobus vestrum potestat'
 & auctoritat' qd in p'sentia un' aut triu' vel duorum
 vestrum Guardian' pro p'dict' lunatic' constituatis unde
 scand' hanc in Curia nostra p'dict' modo penden' de-
 fendere poterit Ac deinde vobis tribus vel duobus
 vestrum ulteriozem potestat' & auctoritat' ipm' lunatic'
 cum p' Guardian' suum de & super materia querimon'
 p'dict' cuius tenorem vobis mittimus p'sentibus inter-
 clus' diligent' examinatis Et ideo vobis tribus vel
 duobus vestrum mandamus qd ad certos dies & locos
 quos ad hec p'videritis ad p'sat' def. lunatic' accedatis si
 conioade ad vos laborare non possit ac p'dict' lunatic' per
 Guardian' suu' p'de de & sup' materia querimon' p'de sup'
 sacrament' Guardian' p'dict' fact' p' ipsum p'ius coram
 vobis tribus vel duobus vrum sacrosanctis Dei Evangel'
 corporalit' p'stand' diligent' examinatis Responsonemq'
 sua eidem querimon' fiend' recipiatis & in scriptis in
 pergamento redigatis Et cum sic feceritis responsonem
 p'dict' lunatic' p' Guardian' suu' sic p' vos tres vel duos
 vestrum cap't in dict' Cancell' nostra in &c. ubicunq'
 tunc fuer' sub sigill' vestris triu' vel duoz' vestru' claus'
 distincte & aperte mittatis una cum tenore p'dict' Et hoc
 breve ac electionem p'dict' unacum eadem responsonem
 in eandem Cur' nostra adtunc certificetis Teste meo po
 apud Westm'.

Procedendo

Procedendo super Certiorari Ball' Vill' Salop.

Rex &c. Ballibis Will' sue Salop salutem Licet nos nup p h're nostrā vobis mandavimus qđ tenorem recordi & proces. ejusd'm loquela que est coram nobis in Cur' nostra Will' p'dict sine h'ebi nostro secundum consuetud' ejusd' Will' inter A. B. & C. D. de debito ducentar' librar' quod idē A. a p'fat C. erigit ut dicitur nobis in Canc' nrām ad certum diem in eodem h'ebi content' ubicunq; tunc fuer' sub sigill' v'ro distinde & apte mittatis & h're nostrum p'dict Quibusdam tamen certis de causis nos specialit' movent' vobis mandamus qđ in loquela p'dict cum ea celeritate qua de jure & secundum legem & consuetudine Will' p'dict poteritis procedatis dict' h'ebi n'ro ut p'mittitur direct' non obstant' T. R. &c.

Breve ad ostend' causam quare non examinavit testes in perpetuam rei memoriam super Com' prius emanat.

Rex &c. A. B. salutem Quia C. D. exhibuit coram nobis in Cancellar' nostrā quandam petitionē ut quidam testes ibm in perpetuam rei memoriam examinarentur ut ne id tibi p'judicium cederet Tibi p'cipimus firmiter injungend' qđ omnibus aliis p'termissis & excusatione quacunq; cessand' in propria persona tua vel per tuum Attornatum aut deputat' sis coram nobis in dicta Cancellar' nostr' ubicunq; tunc fuerit ut p'dicti testes aut alii quicunq; ex parte tua ibidem similiter examinari possint si ita velis vel ut ostendis & proponas vel ut ostendi & proponi fac' tunc & ibidem bonam sufficientem & probabilem materiam pro pte tua quare idē testes p' pte dicti C. in forma p'dict examinari & post eor' examinationes secundum ordinem & cursum dict' Cur' nrē publicari & divulgari non debeant Et habeas ibi hoc h're T. R. &c.

Commis.

Commis. ad sequestr' bona catalla & proficua.

Rex &c. Dilectis &c. salutem Cum de & super audit & examinacone cufusdam materie litis & controverfie coram nobis in Canc' nostra adhuc penden' indecis' inter J. H. quer' & M. R. Wido def. nobis & dict' Curie nostr' manifeste apparebat qd 700 l. erga satisfactionem porcionis pd' J. in manibus ipsius M. adhuc remanent. pro eo qd p'dict' M. null' securitat' cum sufficiend' manucaptor' p' solutione p'dict' 700 l. sicut p' dicta Cur' nostram ordinat' erat adhuc dedit seu dari pcuravit Jo p' dict' Curia ordinat' existit qd quedam firma in H. in Com' nro C. unacum bonis superinde existend' nunc in possessione p'dict' M. sequestrarentur ac in sequestr' ponentur p' quod valor eoz cognosci ac libi p'dict' melius p'videri p'dictusq' J. tam a reddit' p' p'dict' firma solubit' exonerari qm' ex omnibus scriptis obligator' & dote ipsius M. oriend' indempn' conserbari potuerint Sciatis qd nos de &c. auctoritat' ad firma p'dict' accedend' eandemq' unacum bonis & catallis superinde existend' sup'vidend' ac in manus vras vel duoz vestr' accipiend' & sequestrand' ac valorem eozundem deponend' nobis inde debite certificand' Et ideo vobis mandamus qd ad certum diem vel dies quos ad hoc p'ovideritis ad p'dict' firmam accedatis eandemq' supervideatis ac firmam p'dict' & pficua esuldem Recnon bona & catalla superinde ac in possessione p'dict' M. ut p'dicitur nunc existend' in manibus vestris vel duoz vestrum accipietis sequestreetis aut in sequestratione poni fac' valoremq' omnium & singulor' p'missor' deponetis ac deponi fac' nobisq' inde in dict' Canc' nostr' (15 P.) sub sigillis vestris trium vel duoz vestrum distinde & ap're certificetis hoc bre' nobis remittend' L. R. &c.

Breve ad ostendend' causam.

Rex &c. A. B. salutem Quibusda certis de causis coram nobis in Cur' Cane nre propositis ac p'ticularit' mentionem in quodam ordine in dict' Cur' nre inter A. B. quer' & vos p'fat' def. facto gerend' dat' &c. vobis p'cipimus firmiter injungend' qd' omnibus aliis p'termissis & excusatione quacumq' cessand' in p'p'is p'sonis vestris sitis coram nobis in dict' Curia nostra &c. ubicumq' tunc fuer' tunc & ibm bonam & sufficiens causam in contrariu ordin' p'dict' ostendend' vel ostendi fac' tenorem cuius ordin' vobis mittimus p' latozem p'sentium & hoc sub p'iculo incumbend' T. R. &c.

Relinquend' est copia ordin' sup' servitium hujus brevis.

Dedimus Potestatem ad capiend' Respons' de Decan. & Capitul' Wigorn.

Rex &c. Dilectis sibi A. B. &c. salutem Cum C. D. Armig' quanda petie coram nobis in Cur' Cane nre verlus Decan' & Capitul' Ecclesie Cathedral' Xpi & beate Marie Virginis Wigorn' nuper exhibuit Adq' eisd' Decan' & Capitul' per bre nrum nup' p'cepimus qd' essent coram nobis in dict' Cane nostra ad certum diem jam p'terit' petie p'dict' responsur' Et quia iidem Decan' & Capitul' sunt unu corpus corporat' ac responsionem suam unanimi assensu fac' consuever' ac pro eo qd' ad diem p'dict' p' causa p'dict' in Cancellar' nostra p'dict' petie p'dict' responder' non potuissent Sciatis qd' nos de fidelitatibus & p'ovidis circumsp'ctionibus vris plurimum confidentes assignavimus vos ac tenore p'sentium damus vobis tribus vel duobus vestrum potest' & auctoritat' p'd' Decan' & Capitul' de & sup' mat'ia petitionis p'dict' cuius tenore vobis mittimus p'sentibus interclus' diligenter examinand' responsionemq' suam sub

Commis. ad sequestr' bona catalla & proficua.

Rex &c. Dilectis &c. salutem Cum de & super audit & examinacone cusuldam materie litis & controverſie coram nobis in Canc' nostra adhuc penden' indecis' inter J. H. quer' & M. P. Ad def. nobis & dict' Curie nostr' manifeste apparebat qd 700 l. erga satisfactionem porcionis p'di J. in manibus ipsius M. adhuc remanent. pro eo qd p'dict' M. null' securitat' cum sufficiend' manucaptor p' solutione p'dict' 700 l. sicut p' dicta Cur' nostram ordinat' erat adhuc debit' seu dari pcuravit Jo p' dict' Curia ordinat' existit qd quedam firma in H. in Com' nro C. unacum bonis superinde existend' nunc in possessione p'dict' M. sequestrarentur ac in sequestr' ponentur p' quod valor eor' cognosci ac libi p'dict' melius p'videri p'dictusq' J. tam a reddit' p' p'dict' firma solubiz' exonerari qm' ex omnibus scriptis obligator' & dote ipsius M. oriend' indempn' conſervari potuerint Sciatis qd nos de &c. auctoritat' ad firma p'dict' accedend' eandemq' unacum bonis & catallis superinde existend' sup'vidend' ac in manus d'ras vel duor' vestr' accipiend' & sequestrand' ac valorem eorundem deponend' nobis inde debite certificand' Et ideo vobis mandamus qd ad certum diem vel dies quos ad hoc p'videritis ad p'dict' firmam accedatis eandemq' supervideatis ac firmam p'dict' & p'ficia esuldem Pecnon bona & catalla superinde ac in possessione p'dict' M. ut p'dicitur nunc existend' in manibus vestris vel duor' vestrum accipietis sequeſtretis aut in sequestratione poni fac' valoremq' omnium & singulor' p'missor' deponetis ac deponi fac' nobisq' inde in dict' Canc' nostr' (15 P.) sub sigillis vestris trium vel duor' vestrum distinde & apte certificetis hoc bre' nobis remittend' T. R. &c.

Breve ad ostendend' causam.

Rex &c. A. B. salutem Quibusda certis de causis coram nobis in Cur' Canc' nre propositis ac particularit' mentionem in quodam ordine in dict' Cur' nre inter A. B. quer' & vos p'fat' def. facto gerend' dat' &c. vobis p'cepimus firmiter injungend' qd' omnibus aliis p'termisiss' & excusatione quacumq' cessand' in p'p'is p'lonis vestris sitis coram nobis in dict' Curia nostra &c. ubicumq' tunc fuer' tunc & ibm bonam & sufficiend' causam in contrariu ordin' p'dict' ostendend' vel ostendi fac' tenorem cuius ordin' vobis mittimus p' latorem p'sentium & hoc sub p'iculo incumbend' T. R. &c.

Relinquend' est copia ordin' sup' servitium hujus brevis.

Dedimus Potestatem ad capiend' Respons' de Decan. & Capitul' Wigorn.

Rex &c. Dilectis sibi A. B. &c. salutem Cum C. D. Armig' quondam petic' coram nobis in Cur' Canc' nre versus Decan' & Capitul' Ecclesie Cathedral' Epi & beate Marie Virginis Wigorn' nuper exhibuit Adq' eisdem Decan' & Capitul' per h're n'um nup' p'cepimus qd' essent coram nobis in dict' Canc' nostra ad certum diem jam p'terit' petic' p'dict' responsur' Et quia iidem Decan' & Capitul' sunt unu corpus corporat' ac responsionem suam unanimi assensu fac' consuever' ac pro eo qd' ad diem p'dict' p' causa p'dict' in Cancellar' nostra p'dict' petic' p'dict' responder' non potuissent Sciatis qd' nos de fidelitatibus & p'vidis circumspectionibus v'is plurimum confidentes assignavimus vos ac tenore p'sentium damus vobis tribus vel duobus vestrum potest' & auctoritat' p'd' Decan' & Capitul' de & sup' mat'ia petitionis p'dict' cuius tenore vobis mittimus p'sentibus interclus' diligenter examinand' responsionemq' suam sub

sub comuni sigillo dicti Decani & Capituli recipiendū & in scriptis in p̄gamento redigendū Et ideo vobis tribus vel quibus vestrum mandamus qđ ad certos diem & locum quos ad hoc p̄videritis ad p̄stat Decanū & Capitulum accedatis dictamq; suam responsionem ut p̄dicitur recipiatis Et cum illi sic ceperitis eā nobis in Canc̄ n̄ram (ret̄ &c.) L. R. &c.

Cerciorari to remove a Bill out of the Maiors Court.

Rex &c. Maiori Aldris & Wic London salutem Volentes certis de causis Cerciorari tam super tenore cuiusdam billi originalis leuati aut affirmati coram vobis vel aliquibus vestrum versus C. C. Ar̄ ad̄s W. Bolton & R. Cox de p̄lito debiti super demand 500 l. bone & legalis monete Angl̄ quā certū attachamentū supinde factū 500 l. in pecuniis numeratū ut de denariis dicti Edm̄t in manibus & custodiis cuiusdam G. W. attachiati & defendes ut dicitur vobis mandamus qđ tenore p̄dicti billi originalis & attachamenti p̄dicti cum omnibus ea tangendū quibuscunq; nominibus partes p̄dicti in eisdem censeat nobis in Cancellariā nostrā (ret̄) ubicunq; tunc fuerit sub sigillis v̄ris trium vel duorū v̄rum distinde & apte mittatis Et hoc breue &c. L. &c.

Dedimus Potestatem super breve de Supplicavit.

Rex &c. Dilecto tibi A. F. salutem Sciatis qđ de vobis &c. plena potestas recipiendū sacramentū J. H. qui de vita sua & mutilatione membrorum suorum p̄ W. C. & D. C. graviter & manifeste cominatus existit p̄ eo qđ idē J. H. adeo languidus est qđ in p̄pria persona sua coram nobis in Canc̄ nostr̄ ad sacramentū p̄dictū p̄o p̄mis. in forma iuris p̄stando laborare non possit ut p̄o certo intelleximus Et ideo tibi precipimus qđ sacramentū p̄dictū recipiatis Et cum illud sis ceperitis eidem J. breue nostrum p̄ securitatē suā in hac p̄te s̄ens quod tibi mittimus

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mittimus per latozem presentium libetis Et hoc sub sigillo tuo. distinge & apte sine dilone constar fac hoc hie nobis remittend T. R. &c.

Justicies.

Rex &c. salutem Tibi precipimus qd Justicies R. W. qd iuste & sine dilone reddat J. R. 20 l. quas ei debet & iniuste detinet ut dicitur sicut rationabiliter monstrare poterit quod ei reddere debeat ne amplius inde claud audiamus p defect Justic T. R. &c.

Per Cursitor fact.

Commis. ad testes producend' super contempt.

Rex &c. A. B. C. D. &c. salutem Sciatis qd nos assignavimus vos ac tenore presentium damus vobis tribus vel duobus vestrum plenam potestatem & auctoritatem testes quoscunq p R. S. & al' quer' pducend' tangend' quosdam contempt B. W. def. in materia dict' R. S. & al' quer' ppetrat ut dicitur de & sup quibusda Interrog' presentibus inclus' diligent' exatand' Et ideo &c.

Breve executionis direct'.

Principium.

Rex &c. A. B. & C. D. salutem Cum quoddam finale Indict' tibi direct' coram nobis in Canc' nra nuper fact' & reddit' extitit in hec verba &c.

Finis.

Vobis igitur pstat A. B. firmiter insurgend' precipim' qd omnia & singula in Iudicio sive direct' pdict' content' & specificat quantid' & quoad vos seu vestrum aliquem in aliquo tangunt vel concernunt faciatis & pimpleatis & vnu unusquisqz faciat & pimpleat juxta tenore effect' & veram intentionem iudicii sive decret' pdict' Et hoc sub picto incumbend' nullatenus omittat nec omittat vnu aliquis quovismodo T. R. &c.

Super.

Superfedeas super Commis. Rebell'.

Rex &c. A. B. C. D. &c. salutem Licet nos per literas nras patentes conjunctim & divisim vobis mandamus qd C. M. & ux. ubicunq; inventi fuissent infra regnum nostrum Anglie tanquam Rebell' & legis nre contempoꝛes attachi vel attachi fac. Ita qd eos habeatis & haberi feceritis coram nobis in Cancellar' nra p'dict' ad certum diem in dictis h'rebibus nostris patent' plenius continetur ubicunq; tunc forent ad respondend' super hiis que illis obficientur tunc ibm & ad fac' ulterius & recipiend' quod dict' Cur' nra considerabit in ea parte. Quibusdam tamen certis de causis nos jam specialiter movent' vobis & cuilibet vestrum p'cipimus qd cuicunq; executione dictarum literar' patent' p'dictis p' vos seu aliquo vrm' in aliquo faciend' superfedeatis omnino Et si p'd C. & M. seu eoz aliquo virtute dict' literar' patent' ceperitis seu aliquis vestrum cepit & carceribus manucapt' tenetis tunc ipsos a p'isone qua sic detinent' si ea occasione & non alia detineantur in eadem sine dilacione relaxetis Ipsos penitus deliberari & ad largum ire p'mittentes T. R. &c.

Commis. ad eligend' Guardian' pro def. qui senex & insan. memor' est.

Rex &c. Cum A. B. per Guardian' suum quer' quandam suam querimoniam coram nobis in Cancellar' nostra nuper exhibuit versus C. D. def. Cumq; accepimus qd dictus def. ratione senectutis sue insane memorie est ac p' eo minus sufficiens lectam p'd defendere & respondere Nos itaq; ipsius def. in hac parte p'ospicere volentes Sciatis igitur qd nos de fidelitatis & p'ovidis c'umspectionibus vestris plurimum confidentes ac in complemento cujusdam ordin' gerend' dat' &c. assignavimus vos ac tenore p'sentium damus vobis tribus vel duobus vestrum plenam potestatem & auctoritatem

thoritatē p̄fat̄ def. accedendū ipsūmq; inspiciendū & examinandū Ac si sit insaū memor tunc Guardian p̄ eodē def. nominandū & appunctuandū Et ideo vobis tribus vel duobus vestrū mandamus qđ ad certū diē & locum quos ad hoc p̄videritis ad p̄fat̄ def. si commodē ad vos laborari non possit accedatis ac ipsū def. omnibus viis & modis quibus super statu suo melius poteritis informari circumspecte inspiciatis examinetis ac si inueniatis qđ dict̄ def. sit insaū memor tunc Guardian p̄ dict̄ def. ad respondendū & defendendū lectam p̄dict̄ nominetis & appunctuetis Et cum sic feceritis tunc nos de nomine dicti Guardian & de toto facto & processū v̄ris in p̄missis in Cancellar̄ nostram p̄dict̄ sine dilatione ubicunq; tunc fuerit claus. distinde & apte mittatis & reddatis certiores hoc breue nobis etiam remittendū T. R. &c.

Commis. ad examinand' testes in Rure ubi tempus
& loc' inclus' sunt.

Rex &c. salutem Sciatis qđ nos de fidelitatibus & probis circumspectionibus vestris confidentes Testes quoscunq; de & super quibusdam Interrog tam ex parte A. B. quer' quam ex parte C. D. def. &c. diligenter examinandi Et ideo vobis tribus vel duobus vestrū mandamus qđ vicesimo quarto die Junii prox. futur' apud Hospitium vocat̄ the White Horse in Ipswich in Com̄ Suff. vosmet ipsos assembletis ac testes p̄dict̄ coram vobis tribus vel duobus vestrum venire fac & evocetis & diligenter examinetis & i h̄m in executione p̄missorū moramini quousq; ill' compleveritis Examinaconesque suas &c. T. R. &c.

Commission to impower Commissioners to sell so many Timber Trees, and to satisfie such damages sustained by any in their carrying away the same.

Rex &c. Dilectis &c. salutem Sciatis qđ juxta tenorem cujusdam ordinis in Cur' Canc' nostre inter A. B. quer' & C. D. def. vicesimo octavo die Febr' ult' pterit fact' & reddit' assignavimus vos ac tenore presentium damus vobis plenam potestatem & auctoritatem terras in ordine predict' mentionat' intrandi & assignandi tot arbores per eundem quer' succidendi non excedent numerum quingent' arborum quot convenient' possint relinquent' sufficient' estoveria ad reparand' terr' & pmissa necessar' ac etiam taxand' & allocand' teneid' premissorum recompensationes per p'sat' quer' fiend' pro tal' dampn' qual' per succissionem & asportacion' arborum predict' sustinebunt & pro reparacion' metarum bundarum & sept' premissorum Et ideo vobis mandamus qđ executionem premissorum diligenter intendatis & arbores predict' in temporibus tempestivis & convenient' succidend' infra duos annos tunc p'p' sequend' juxta veram intencionem ordinis p'dict' assignatis faciend' in omnibus ut per ordin' predict' statut' est Et cum hoc feceritis tunc nos inde in Canc' nostram sub sigillis vestris distincte & aperte sine dilatione reddatis certiores hoc breve nobis remittend' T. R. &c.

Exemplificatio Decreti.

Rex &c. Omnibus ad quos presentes littere pervenerint salutem Insuperimus Rotulament' cujusdam final' judicii sive decret' coram nobis in Cur' Cancellar' nostre nuper fact' & reddit' & in Rotulis ejusdem Cur' rotulat' ac itm de recozdo remanend' cujus tenor' sequitur in hec verba &c.

Insuperimus

Inspeximus super Decretum.

Nos autē tenor final' Iudicii p̄dict ad requisitionē
A. G. duximus exemplificand per presentes In cuius
rei &c.

Billa.

Inspeximus etiam quandam billam sive petitionem
coram nobis in Cur' Cant' nostre p̄ A. G. nup exhibē
ac in filaciis dict' Cancellar' nostre de Recoꝝ remanē
in hec verba N. quarto die Sept' &c.

Dedimus.

Inspeximus etiam tenorem cuiusdam brevis nostri
de Dedimus Potestatem unacum indorlament de & sup
eodem brevi fact' quibuscunq; Com' direct' ad recipiend
responsiones p̄dict A. G. B. D. ad petitionē p̄dict in
filaciis Cur' p̄dict filiter residē in hec verba Rex
&c. Execut' &c.

Replicat'.

Inspeximus necon responsiones A. G. B. D. vir-
tute dict' brevis nostri de dedimus potestatem cap't & in
Cur' p̄dict unacum brevi nost' p̄dict retornat ac in
filaciis ibidem quoq; residē in hec verba Long' &c.
Resp. &c.

Replicat'.

Inspeximus deinceps replicationē p̄ A. G. ad respons-
iones p̄lat' B. D. C. F. fact' ac in filaciis dict' Cur'
Cancellar' nostre de recoꝝ etiam remanē in hec verba
Replicatio &c.

Inspeximus porro tenorem cuiusdam brevis nostri de
commissione quibusdam Commissionar' direct' ad exami-
nand testes inter partes p̄dict unacum Indorlament
superinde fact' ac in filaciis Cur' nostre p̄dict de Re-
coꝝ etiam remanentes in hec verba Carolus &c. Cre-
curio &c.

Inspeimus Interrog'.

Inspeimus deinde quedam Interrog' ex parte p'fat A. G. versus p'dict B. D. & C. F. def. p'dict Commis-
sionar' exhibet ac in filactis dict Cur' nostr' de recoz'd
remanencia in hec verba Interrog'.

Inspeimus Deposition'.

Inspeimus deniqz depositiones quorundam test' ex
parte p'dict A. G. quer' versus p'dict B. D. & C. F.
virtute brevis nostr' de Cord p'dict coram p'fat Com-
missionar' cap't & examinat Ac in Canc' nra p'dict
unacum Commissione & Interrog' p'dict certificac ac
ibidem de Recoz'do respo'den in filactis in hec verba.

Nos autem tenores petitionis brevis de dedimus po-
testatem Respon's Replicat' b'ris de Commissione Interrog'
& depositiones Testium p'dict ad requisicionem p'dict A.
durimus exemplificand p' plentes In cusus &c.

1. Inspeimus. 2. Inspeimus etiam. 3. Ulte-
rius. 4. Preterea. 5. Similiter. 6. Pecnon.
7. Quoz. 8. Ibidem. 9. Insuper. 10. Porro.
11. Deinceps. 12. Deinde. 13. Deniqz.

Inspeimus quoddam bre noster de Cerciorat' Canc'
nostr'e emanat Johi Brown Armig' Clerico Parliament'
nostror' direct' unacum Indoz'lament' superinde fact'
in Canc' nra certificac & recoz'nat ac ibm de Recoz'do
remanen in hec verba Carolus &c.

Inspeimus etiam tenorem Actus Parliament' p'dict
per p'fat Johem Brown Armig' Clericum Parlia-
menti p'dict in dictam Canc' nostram unacum b'ri p'dict
certificac & recoz'nat ac ibm de Recoz'do remanen s'
militer in hec verba.

Nos autem tenores sepaliu b'ris nostr' de Cerciorat'
Actus Parliament' & certificationis p'dict ad re-
quisitionem

quisitionem p̄dict A. diximus exemplificand per
presentes In cūsus &c.

Inspeximus Interrog' penes Examinator'.

Inspeximus deinceps quedam Interrog' quibuldam
test' ex parte p̄fat A. B. quer' versus p̄dict C. D. nup
exhibi' penes Examinator' dict Cur' nre de Record' etia
remanend in hec verba.

Dep'.

Inspeximus deniq' depositiones quorundam testium
ex pte p̄d A. B. quer' versus p̄fat C. D. def. sup In-
terrog' p̄dict per R. P. Armig in dict Cur' Canc' nre
capt ac penes Examinator' ejusde Cur' nre de Recordo
similiter residend in hec verba.

Principium de execut' ordin' obfata lites.

Rex &c. A. B. ac Consiliar' Attornat' Solicitat' &
Agentibus suis quibuscunq' & eor' cuilibet Pecnon
omnibus aliis psonis quibuscunq' quos tenor' p̄sentium
aliqua' concernit salutem Cum quidam ordo coram
nobis in Cur' Cancellar' nostre nuper fact' & reddit'
extiterit in hec verba &c.

Conclusio.

Tibi igitur A. p̄fat ac vobis p̄fat omnibus & singulis
certis personis supradictis & cuilibet vrum firmiter in-
jungend p̄cipimus qd omnia & singula in ordin' p̄dict
content' & specificat quant' & quoad vos seu vestrum ali-
quem in aliquo tangunt sive concernunt faciatis p̄im-
pleatis & erequamini ac faciat p̄impleat & erequatur qui-
libet vestrum cum effectu scdm tenor' & veram intentio-
nem ordin' p̄dict Et hoc sub p̄iculo incumbend nullas
tenus omittatis nec omittat vrum aliquis quobismodo
T. R. &c.

Exemplificatio Record' in Turr'.

Insuperimus Irrotulament' quarundam Literar' Patent' Dñi Johis quondam Regis Anglie Anno Regni sui primo fact' & in Canc' ipsius Regis Irrotulat' ac in Rotulis dict' Canc' nostre infra Turrim London' de Recoꝝdo remanend' in hec verba.

Commis. separare metis & bundis post prior' Commis. Def. morien' bill' ad revivend'.

Rex &c. salutem Cum quedam materia litis & controverſie coram nobis in Cur' Canc' nostr' tunc or'e & mote fuerint inter &c. ad distinguend' metas & bundas diversarum terr' in Com' &c. Cumq; per quendam ordinem coram nobis in Cur' nostr' inter partes p'dict' fact' gerend' dat' &c. ordinat' fuit qd' h'c nostrum de Commisſione Cur' p'dict' ad metas terrar' p'dict' distinguend' emanaret Cumq; post decessum p'sat' &c. def. p'sat' quer' quandam billam exhuit in Cur' p'dict' versus &c. ad materiam p'dict' revivend' Sciatis qd' nos de fidelitatibus & p'ovidis circumspectionibus vestris plurimū confidentes assignabimus vos ac tenore p'sentium damus vobis tribus vel duobus vestrum plenam potestatem & auctoritatem in complemento cuiusdam ordinis dict' Cur' nostr' inter p'tes p'dict' fact' gerend' dat' quarto die Martii instand' & cuiusdam certif. sex Cleticorum Cur' p'dict' superinde fact' in terr' & p'mis. p'dict' intrandi & ingrediendi easq; pambulandi ac sup'vivendi ac terras dimis. p'dict' e' terr' dict' quer' unacum metis & bundis earundem separand' seponendi & distinguendi ac pro melior' progres. vestro, in p'remissis damus vobis tribus vel duobus vestrum consimil' potest' & auctoritat' testes quoscunq; per partes p'dict' seu earundem alteram p'ducend' de & super quibuldam articulis sive Interrog' que idonea fore videritis ac veritat' p'remissis illustrand' seu invenient' diligenter examinand'

minand Et scd vel scripta p evidentiis quecunq p pres
pdict seu earundem alteram p ordinem pducens de &
sup sacramenta coram vobis tribus vel pluribus vrum
mandamus qd certis diebus & horis ad hec congruis &
opportunitis ad terr & pmissa pdict accedat ac partes
predict testesq suos coram vobis tribus vel pluribus
vrum sup sacrosanctis Dei Evangel corporalit pstand
diligent examinetis ac tam superinde quam omnibus
aliis vis modis & mediis licitis omni executione pre-
missor diligent intendatis terrasq pdictas (ut pfer-
tur) si poteritis sepetis seponetis & distinguatis fa-
ciend in premissis secundum directionem veramq in-
tentionem separa ordin pdict Et cum sic feceritis
nos de toto progressu vestro in pmissis in Cancellar
nra pdict &c. ubicunq tunc fuerit p certificationem
vestram in script in pergamento reduct sub sigillis vris
trium vel duor vestrum claus distinge & aperte red-
datis certiores hoc breve nobis remittend T. R. &c.

Duces tecum solvend' pecun' in Cur'.

Rex &c. R.P. & ur' ejus salutem Cum ex pte T. W.
quer versus vos & al def. in Canc nram informat fuit
qd tu pfat R. in possessione tua feceris te in manibus
tuis habere 83 l. 11 s. 1 d. que obtulisti solvere pre-
fat quer si ad eum pertinent sicut per quenda ordinem
in dict Canc fact gerend dat &c. & relat Wili Cluid
un Magistroz dict Cur Canc gerend dat &c. supinde
fact luculent appet Tibi igitur & utriq vestrum pci-
pimus firmit insurgend qd immediat post receptione
hujus brevis scis in dict Canc nostra pferentes vo-
biscum dict summam 83 l. 11 s. 1. ibm remanet
disponi ut dict Cur justum videbitur juxta tenorem &
veram intentionem ordin & relationis pdict Et hoc
sub periculo incumbend nullatenus omittat nec omittat
vestrum aliquis quovismodo T. R. apud Westm &c.

Words of Course of a Writ of Execution of an Award.

Cumq; etiam J. M. M^gil secundum directione ordinⁱ predict relationem sive arbitrium suum vobis retulit & certificavit in forma sequen^d.

Breve de executione ordinis & relationis.

Rex &c. C. D. salutem &c. Cum quidam ordo coram vobis in Cur^a Cane^g nostre nuper fact^u & reddit^u extiterit in hec verba.

Hic recita Ordin^u.

Cumq; alius ordo inter partes p^{re}dict nuper fact^u &c. Cumq; postea Magister p^{re}dict sup^{er} debita consideratione p^{re}missorum per ip^su^m habita relationem suam fecit in hec verba &c.

Cumq; etiam Robtus Aylet Armig^{us} unus Magistro^{rum} Cane^g nostre p^{re}dict relationem sua^m inter partes p^{re}dict fecit in forma sequen^d &c.

Conclusio.

Tibi igitur p^{re}fat C. D. firmiter injungend^u p^{re}cipimus q^{uo}d omnia & singula in ordin^e & relation^e p^{re}dict content^a & specificat^a quantum te in aliquo tangunt vel concernunt fac^{is} perimpl^{ere} & exequaris secundum tenorem & effectum ordinis & relat^{is} p^{re}dict Et hoc sub periculo incumben^d nullatenus omittas T. R. apud Westm^{onasterium} &c.

Breve pro eligend^o Coronator^e.

Rex &c. Ric^{ardus} Suff. salutem Quia ex testimonio fide digno accepimus q^{uo}d A. R. gen^{er}alis unus Coronator^e nostroy Com^{itatus} tui adeo languidus est & senio confractus q^{uo}d ad ea que ad officium Coronatoris pertinent exercen^d non sufficit

sufficit ipsum ab officio illo duximus removendū & ideo tibi precipimus qđ si ita est tunc in pleno Comd tuo de assensu ejusdem Comd loco ipsius A. eligi fac unum alium Coronator qui p̄stet sacro put moris est extunc ea faciat & conserbet que ad officium Coronatoris pertineant exercend in Canc p̄dict & talem eum eligi fac qui melius sciat & possit officio illo intendere & nomen ejus Nobis scire fac T. R. &c.

Hec hoc brebe faciendū est sine warrantia Dñi Custod Angl per Cursitor.

Commis. ad examinand' testes in Rure super comp' post audit'.

Rex &c. A. B. C. D. E. F. & G. H. salutem Scias qđ nos assignabimus vos ac tenore p̄sentium damus vobis tribus vel duobus vestrum plenam potestatem & auctoritatem in complemento cuiusdem ordin' Cur Canc nostre geren' dat' decimo die Junii ult' p̄erit inter G. H. quer' & J. C. def. fact' super audit' testes quoscunq; tam ex parte dict' def. quam ex parte p̄dict quer' seu earundem partium alterius de & super quibsdam Interrog' vobis tribus vel duobus vestrum ministrand' seu deliberand' ad proband' sive illustrand' materiam Comp' inter partes p̄dict per ordin' fiend' diligenter examinand' Et ideo vobis tribus vel duobus vestrum mandamus qđ ad tales dies & loca &c. hoc bñt facientes in p̄missis secundum tenorem veramq; intentionem ordin' p̄dict T. R. &c. apud Westm &c.

Commis. pro placit' aut morac' Magist' Collegii & al' Def.

Rex &c. Dilectis sibi &c. salutem Cum R. D. Clericus quer' quandam petitie coram nobis in Canc nostr' versus Magistrum Socios & Scholar' Collegii de Pembroke in Universitate Oxon per Ricum Harris & Robrum Plumptre def. nuper exhibet Dñs eisdem

dem def. per breve nostrum nuper precepimus quod essent coram nobis in dicta Canc' nostr' ad certum diem preterit petiti' predict' responsur' Sciatis tamen quod nos de fidelitatibus & providis circumspeditionibus vestris plurimum confidentes assignabimus vos ac tenore presentium damus vobis tribus vel duobus vestrum plenam potestatem & auctoritatem iuxta directionem dicti Curie specialem responsiones prefate Magistri Socioꝝ & Scholarium predict' aut placita sive moꝝationes suas eidem petitioni fieri sub sigillo Collegii predict' capiend' & recipiend' Necnon responsiones predict' Richardi Harris & Robti Plumptre super sacramenta sua tact' per ipsos prius coram vobis tribus vel duobus vestrum sacrosanctis Dei Evangel' corporalit' p'stand' aut placita sive moꝝationes suas super sacramenta aut absq' sacramentis suis p'stand' eidem petiti' fieri cuius tenorem vobis mittim' present' interclus' recipiend' Et ideo vobis tribus vel duobus vestrum mandamus quod ad certos dies & loca quos ad hoc provideritis ad prefat' defendentes si commode ad vos laborari non possint accedatis ac responsiones placita sive moꝝationes predict' Magistri Socioꝝ & Scholar' predict' sub sigillo dicti Collegii capiatis & recipiatis & responsiones plita sive moꝝationes predict' Richardi Harris & Roberti Plumptre super sacramenta aut absq' sacramentis suis p'stand' capiatis & recipiatis Et cum sic feceritis tunc responsiones plita sive moꝝationes predict' Magistri Socioꝝ & Scholarium sub sigillo dicti Collegii confect' & responsiones plita sive moꝝationes dictoꝝum Ricti Harris & Robti Plumptre in dictam Cancellar' nostram sine dilatione ubicunq' tunc fuerit sub sigillis vestris trium vel duor' vestrum claus' distinde & aperte mittatis unacum tenore predict' & hoc brevi Teste meipso apud Westm' &c.

Dedimus

Dedimus Potestatem impot' Def.

Rex &c. Dilectis &c. Cum A. B. quandam petiti-
onem coram nobis &c. usq; petitioni p'dict' responsur'
Ac idem A. adeo impotens sui existat qd usq; Cur'
Canc' nostre p'dict' ad diem ill' ad responsionem suam
eidem petic' fiend' absq; corporis sui periculo laborari
non possit ut accepimus Nos statum ejusdem A. in
hac parte p'dict' compatiens dedimus vobis tribus vel
duobus vestrum potestatem &c.

Superfedeas super Proclam'.

Rex &c. Wic' Berk' salutem Licet nos per breve
nostrum nuper p'cepimus qd in omnibus & singulis lo-
cis infra ballivam tuam tam infra libertates quam
extra ubi magis expedire videris ex parte nostra publice
proclamari facies qd W. G. sub pena ligeanc' sue co-
ram nobis in Canc' nostr' ad certum diem in dict' b'ri
nostro content' &c. ubicunq; tunc foret personaliter
compareret Et nihilominus si p'sat' W. invenire posses
tunc ipsum attach' Ita qd eum haberes coram nobis
in dict' Cancellar' nostra ad certum diem in eodem
breve nostro similiter content' ad respondend' &c. Qui-
busdam tamen certis de causis Nos jam moventibus
Tibi p'cipimus qd executione brevis nostri p'dict' per te
in aliquo fiend' ulterius superfedeas omnino & si ipsos
seu eorum alterum virtute brevis nostri p'dict' ce-
peris tunc ipsos & eorum utrumq; a p'isone qua sic
detinentur sive detinetur si ea occasione & non al' in
eadem detineatur sine dilatione deliberari fac' T. R.
&c.

Commis.

Commis. Vic. pro Possessione.

Rex &c. Vic. R. salutem Cum quedam materia
 litis & controverſie pendebat nuper coram nobis in
 Cancellar' noſtra inter A. B. quer' & M. R. & J. H.
 def. de pro & concernend' titulo cuſuſdam meſſuagii ſive
 firme ac diverſar' terr' tenement' & hereditament' meſſua-
 gio p'dict' pertinen' ſcituat' jacend' & exiſtend' &c. in
 Com' noſtr' M. p'dict' ann' valoris C l. nuper in te-
 nur' ſive occupatione cuſuſdam T. M. ſuper auditu
 cuſus quidem materie coram nobis in dictam Cancellar'
 noſtram h'it poſſeſſio p'emiſſorum p'fat' M. R. per
 eandem Curiam noſtram adjudicat' & decret' fuit Cumq;
 etiam nobis & Cur' Cancellar' noſtre p'dict' ex pte dict'
 M. nuper oſtenſ' & demonſtrat' eſt qd' ipd' p'fat' M. R. &
 J. H. poſſeſſionem p'miſſorum p'fat' R. tradere & relinquere
 omnino recuſaverunt eaſdemq; eidem R. aſſignare ſeu
 conſeſſare juxta veram intentionem Decret' ſive Judicii
 p'dict' ſimiliter denegaver' Quod nolumus fieri nec de-
 bemus aliquoſqualiter tolerari Sciatis igitur qd' vob' tibi
 tenore p'ſentium plenam poteſtatem & auctoritatem ad
 meſſuagia p'dict' accedendi & ingrediendi ac plenam &
 pacificam poſſeſſionem inde & cuſuſlibet partis inde ac-
 r'piend' & recipiend' ac talem poſſeſſionem ſic per te cap't
 p'fat' R. tradend' & deliberand' Et ideo tibi mandamus
 qd' immediate poſt receptionem hujus h'ris de Com' ad
 meſſuagia & terras p'dict' cum p'ctind' accedas ac poſ-
 ſeſſionem inde & cuſuſlibet partis & parcel' inde capies
 in manus tuas & recipies Et cum ille ſic ceperis
 tunc ipſi p'fat' R. quiet' & pacificam poſſeſſionem p'miſ-
 ſorum & cuſuſlibet inde partis & parcel' trades & deli-
 beres ſeu deliberari fac' juxta veram intentionem de-
 creti p'dict' ac ipſum p'fat' R. in poſſeſſione p'emiſ-
 ſorum ſic per te poſſeſſ. de tempore in tempus quoties-
 cunq; necelle & opportunum fuit contra omnes & om-
 nimodas perturbaciones & interruptiones conſervari
 p'ſervari & incolumem reddi facias Et hoc ſub pe-
 na

na periculi incumbētis nullatenus omittas Telle
Rege &c.

Commis. ad corrigend' Errorem in depositioni-
bus capt'.

Rex &c. Dilectis &c. salutem Cum varie lites &
controverſie nuper motæ & ortæ ſunt ac in Canc' noſtra
adhuc pendent indeciſis & indeterminat' inter J. C. quer'
& J. B. & al' def. Cumq; nos p' examinationē testiū int'
ptes p'd vobis tribus vel duobus veſtrū nup' direximus
Com' nra ad cuſus executionē examinaō J. B. unde-
cimo Inter ex pte quer' exhibit non ingroſſat fuit ſicut
examinaō dict' B. ſed appoſit' & ingroſſat fuit depoſit'
cuſuſdam J. unius alioꝝum testiū tunc ex parte dict'
quer' examinat' ac qđ quedam depoſitiones dict' J. J.
his ingroſſantur & certificantur p' errorem & negligē-
tiam trium Clericoꝝ ad ingroſſand' depoſitiones p'dict'
apud Com' p'dict' adtunc appunctuat' ſic ut per certis-
ficationē dict' C. B. & J. B. duoz' Commiſſionar' nobis
plenius liquet & apparet Sciatis igitur qđ nos afflig-
navimus ac tenore preſentium damus vobis tribus vel
duobus veſtrum poteſtat' & authoritat' Dep' per tres
veſtrum in Curiam noſtram antehac retroꝝ ac jam pre-
ſentibus intercluſ' & vobis recoꝝnat' diligent' exam' &
p'ficiendi ac omnes errores in eade' Comiſſ. corrigendi
juxta vꝛa originał vobis cum ſeu aliquo veſtrum jam
remanend' Et ideo vobis tribus vel duobus veſtrum
mandamus qđ ad certos dies & loca quos ad hoc p'vide-
ritis executionem hujus Commiſſion' noſtre diligenter
intendetis ac depoſitiones ſic vobis miſſis circumſpect'
p'vide & ſolicite comparetis corrigatis & p'ficiatis
cum originał p'dict' Et cum ſic feceritis tunc nobis
in Curia Cancellar' noſtre ſine dilatione ubicunq; tunc
fuer' de toto facto & depoſitionibus p'dict' ſic p' vos com-
parat' correct' & perfect' ſub ſigill' veſtr' trium vel duoz'
veſtrum clauſ' diſtincte & apte mittatis vñacum hoc bñ
L. R. &c.

Recog-

Recognitio super Billam ad recogniscend'.

A. B. C. D. E. F. &c. coram Domino Rege in Canc sua personaliter constitut recognoverunt se debere Harbottle Gimson War Magistro Rotulorum & Thome Bird uni Magistrorum Cancellar p'dict centum libras legalis monete Angl Solvend eidem Magistro Rotulorum & Magistro Cancellar Executoribus Administratozibus & Assignatis suis Et nisi ita fecerint volunt & concedunt & quilibet eorum vult & concedit pro se Heredibus Executoribus & Administratozibus suis firmiter per presentes Qu dict sunt centum librarum levetur & recuperetur de bonis terris catallis & hereditamentis suis ubicunqz invent fuerint infra Regnum Angl ad solum opus & usum prefat Magistrum Rotulorum & Magistrum Canc Executor vel Administrator suoz Teste dict Dño R. apud Westm decimo quarto die Martii Anno Regni Caroli secundi Dei gratia Angl Scot Franc & Hibnie Regis fidei defensor &c. decimo quinto Annos Dñi 1663.

The Condition of this present Obligation is such, That if the above bounden A. B. being Plaintiff in A. Bill of Review exhibited in the High Court of Chancery against G. H. and other Defendants do and shall well and truly pay or cause to be paid to the said Defendants such Costs and Damages, as the said Court of Chancery shall award, if his said Bill of Review shall be dismissed, and the said Court shall then see Cause to award any: Then this present Obligation shall be void.

Capt & recogn die & anno supradict
coram me in Canc Magistro.

Certiorari

Cerciorar' Clerico Parliament'.

Rex &c. Dilecto & fideli suo Johi Brown Clerico
Parliamentor' nostroꝝ salutem Volentes certis de
causis certiorari super tenorem cuiusdam Actus Parlia-
menti facti & stabiliti in Parliament nostro tenti & in-
choati apud Westm' octavo die Maii Anno Regni nri
decimo tertio & ibi usq; decimum nonum diem Maii
instanti continuat ac deinceps usq; octavum diem Fe-
buar'ii prox' sequen' prorogat intitulat An Act for,
&c. Vobis mandamus qd tenor' actus p'dicti cum om-
nibus eum tangen' nobis in Canc' nostram sub sigillo
vestro distincte & aperte sine dilatione mittatis Et hoc
bre T. R. &c.

Rex &c. A. F. salutem Quibusdam certis de certis
coꝝam nobis in Canc' nostram propositis tibi p'cipi-
mus firmiter injungens qd omnibus aliis p'termis-
sis & excusatione quacunq; cessante in p'pria persona tua sis
coꝝam nobis in dict' Canc' nostra undecimo die in-
stantis Februar'ii ubicunq; tunc fuerit ad ostendend'
bonam & sufficien' causam quare quoddam decret' & pro-
cess' super eodem versus te in p'dict' Canc' nostra an-
te hac facti non revificat fozent per F. quer' & te def.
geren' dat ultimo die Januarii ult' p'terito & ad fac'
ulterius & recipien'.

Commissio Magistro ad examinand' testes super
Comp'.

Rex &c. Dilecto tibi A. B. Armig' uni Magistroꝝ
Cur' Canc' nostre salutem Sciatis qd nos de fide-
litate & p'vidua circumspectione vestra plurimum con-
fidentes &c. auctoritat' testium quoscunq; ad illustrand'
veritat' computi juxta tenorem & veram intentionem
cuiusdam ordin' coꝝam nobis in Cancellar' nra p'dict'
decimo

decimo quarto die Julii ult p̄terit inter A. B. quer
 & B. C. & al̄ defendentes fact̄ & reddit̄ diligent̄ exa-
 minand̄ Et ideo tibi mandamus qđ diebus horis &
 locis ad hec congruis & opportunis executionē p̄missor̄
 diligenter intendas Et ideo tibi mandamus qđ testes
 p̄dict̄ & eorum quemlibet per se separatim tangend̄ &
 concernend̄ veritatē p̄missorum super sacramenta sua
 coram te per sacramenta Dei Evangel̄ corporalit̄ p̄es-
 tand̄ diligenter examines faciens in p̄missis iusta
 directionem & veram intentionem ordinis p̄dict̄ Et
 cum hec feceris tunc nos de veritate p̄missorum per
 relationem tuam in scriptis omni celeritate qua poteris
 in Cancellar̄ nostram p̄dict̄ ubicunq; tunc fuerit reddas
 certiores T. R. &c.

Distringas versus Corporac'.

Rex &c. Wic' Lincoln salutem Cum E. S. & al̄
 quer' quandam petitionem suam coram nobis in Curia
 Cancellar̄ nostre versus Gubernatores & Societatē
 Mercatorum London̄ negotiand̄ ad Indos Oriental̄ de-
 fendentes nuper exhibuerunt ac dict̄ Gubernatores &
 Societat̄ Mercator̄ per breve nostrum de subpena sum-
 monit̄ fuerunt ad respondere queremoni p̄dict̄ velut
 ex sacramento satis fide digno manifeste apparet Ipsi
 tamen eidem queremoni respondere hucusq; neglexer-
 unt & plane contempserunt ut accepimus Et quia
 p̄dict̄ Gubernatores & Societat̄ Mercatorum London̄
 negotiand̄ ad Indos Oriental̄ sunt unum corpus cor-
 porat̄ ac per legem & consuetudinē regni nostri Angl̄
 attachiar̄ minime debeant nec consueverunt Nobis
 igitur p̄cipimus qđ Distringas p̄fata Gubernatores
 & Societat̄ &c. per omnia terras & tenementa sua infra
 ballivā vestram Ita qđ nec ipsimet nec aliqui p̄ ipsos
 ad ea manum apponant seu apponat donec aliud a no-
 bis habueritis p̄ceptum Et qđ de Exitibus eorundem
 nobis respondeatis Ita qđ dict̄ Gubernatores & So-
 cietat̄ &c. coram nobis in Cancellar̄ nostra in &c. ubi-
 cunq;

quoniam tunc fuerit compareant ad respondendum querentem
 predictum Et ad faciendum ulterius et recipiendum quod dicta
 Curia nostra consideraverit in hac parte Et hoc nullo
 latenus omittas Et habeatis ibi hoc breve T. R.
 &c.

Commissio ad examinandum Sequestratores.

Rex &c. R. B. C. D. E. F. Cum salutem Cum
 per quendam ordinem in Curia Cancellarie nostre nuper
 factum et redditum inter A. B. et alios querentes et R. T. Vis-
 duam defendentem gerendum datam decimo die Novembris
 ultimum preteritis ordinatum existit inter alia quod Thomas Wiro
 Miles in Cancellaria nostra predicta unus Magistrorum re-
 vereret relationem suam gerendum datam decimo die Julii ultimum
 preteritis et ad certitudinem reduceret Compertum tangendum prefatum
 terras sequestratas super sacramenta Sequestratorum
 in ordine predicto mentionat Sciatis quod nos de fidelita-
 tibus et providis circumspectionibus vestris plurimum
 confidentes assignavimus ac tenore presentium tam in
 complemento ordinis predicti quam directionis dicti Ma-
 gistri Curie nostre predicti superinde decimo sexto die
 Julii instantis per relationem supradictam Damus vobis tri-
 bus vel duobus vestrum plenam potestatem et auctori-
 tatem sequestratores predicti tres vel duos eorum tangendum
 materiam predictam diligenter examinandum Et ideo vobis
 tribus vel duobus vestrum mandamus quod ad certos dies
 et loca quos ad hoc providideritis sequestratores tres vel
 duos eorum coram vobis tribus vel duobus vestrum
 venire faciatis et evocetis ac ipsos super sacramenta sua
 (facta per ipsos prius coram vobis tribus vel duobus
 vestrum sacrosanctis Dei Evangelium corporaliter prestando)
 diligenter tangendum materiam predictam examinetis compertum
 sua sic per vos tres vel duos vestrum caput in scriptis in pre-
 sentibus redigat Et cum illud sic ceperitis eam nobis in
 Curiam nostram predictam sine dilatione ubicumque tunc fuit
 reddatis certiores et hoc breve factum in premissis iuxta
 tenorem et veram intentionem ordinis et relationis predicti
 X cusus

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cujus tenorem vobis mittimus per latozem presentium
T. R. apud Westm.

Procedendo in London.

Rex &c. Maiori Alderman & Vic Civitat London
salutem Cum vobis p hñ nostrum nup pcepimus qđ
quandā billā Anglicanū unacū omnibus ea tangendū in
Cur nra corā vobis secundum consuetudinē Civitat
pdict versus W. W. quer adū M. D. Armig def.
pendendū nobis in Curia Cancellar nostre ad certum
diem jam pteritū certificetis Quibusdam tamen cer-
tis de causis nos specialiter moveūd vobis mandamus
qđ in materia pdict inter partes pdict (brevi nostro
pđ non obstante) ea celeritate qua poteritis pcedatis
T. R. &c.

Words of Ccurse ad certificand' in brevi ex ordine.

Cumq; etiam Registrarius dict Curie nostre nobis
in pmissis certificavit in hec verba:

Commissio ad assignand' Guardian'.

Carolus &c. Dilectis &c. salutem Cum A. B.
quer quandam petitionem coram nobis in Cancellar
nostra versus C. D. infant def. infra etatem nuper
exhibuer Sciatis qđ nos de fidelitatibus & pprovidis
circumspectionibus vestris plurimum confidentes damus
vobis tribus vel duobus vestram potestatem & autho-
ritatem in complemento cuiusdam ordinis dict Curie
nostre inter partes pdict fact gerend dat pñt Guard
psat C. D. infan quem infans pdict elegit ad respon-
dend & defendend dictam sectam psat quer admittendi
& assignandi Et ideo vobis &c. quos ad hoc provide-
ritis infan pdict coram vobis tribus vel duobus vrum
venire faciatis & evocetis ac Guardian infan pdict ad-
mitteretis & assignetis Et cum sic feceritis nos de nos
mine

mine Guardian p̄dict in dictam Cancellar' nostram
a die &c. ubicunq; tunc fuerit &c. distinde & aperte red-
datis certiores hoc h̄be nobis etiam remittend' T. R.
&c.

Certiorari Bill' cum Procedendo.

Rex &c. Maiori Aldermannis & Vic' London' sa-
lutem Volentes certis de causis certiorar' de & super
quandam petitionem sive billam queremon' coram vo-
bis seu vestrum aliquo versus C. D. ad A. B. nuper
exhib' & modo penden' vobis mandamus qđ petition'
sive billam p̄dict cum omnibus ea tangen' quibuscunq;
nominibus partes p̄dict censeantur seu eorum aliquis
censeatur nobis in Cancellar' nostram adeo plene & in-
tegre p̄out in custodia vestra vel alicujus vestrum
nunc resident sub sigillis vestris distinde & aperte mit-
tatis indilate & hoc h̄be ut ulterius inde fieri fa-
ciamus quod de jure fuit faciend' T. R. &c.

Commissio ad examinand' Defendentem.

Rex &c. Dilectis &c. salutem Cum per quandam
ordinem coram nobis in Cur' Cancellar' nostre nuper
fact' sine auditu materie inter R. T. & uxor Admini-
stratricem W. C. defuncti quer' Anna Cole Viduam &
relict' J. C. & al' defendent' geren' dat' tricesimo die
Octobris ult' pro diversis causis & rationibus in dicto
ordine expressis ex parte p̄fat' quer' ordinat' existit qđ
h̄be nostrum de Commission' e dicta Cancellar' nra
emanaret p̄ examinatione p̄fat' defendentis Anne Cole
vidue de & super quibusdam Interrogator' tangen' vel
concernen' quandam cistulam sive arculam seu arcam
Anglice vocat' a Cabinet or Statal in dicto ordine
mentionat' Et que quap' seu quot fact' bill' script' ob-
ligator' specialitat' gen' & al' in eadem content' sunt vel
fuerunt & verum valorem eorundem p̄out in ordine
predict' plenius continetur Sciatis igitur qđ nos de
Y 2 fidelis

fidelitatibus & providis &c. assignabimus vos ac tenore
 Presentium damus vobis plenam potestatem & authori-
 tatem dictam defendentem Annam Cole de & super in-
 terrog p̄dict ad p̄positū p̄dict p̄sentibus interclusū ex
 parte p̄fata quer diligenter examinandū Et ideo vos
 bis mandamus qđ ad certos dies & loca quos ad hoc
 p̄videritis p̄dict defendentem Annam coram vo-
 bis tribus vel duobus vestrum venire faciatis & evoce-
 tis Ac ipsam defendentem de & sup Interrog p̄dict
 super sacramentum suum tact per ipsam p̄ius coram
 vobis tribus vel duobus vestrum sacrosanctis Dei E-
 vangel ac omnia fact p̄impleatis & exequamini iuxta
 sanas discretionēs vestras & secundum tenore & veram
 intencionem ordinis p̄dict examinationesq̄ suas super
 inde recipiatis & in scriptis in pergameno redigatis
 Et cum ill sic ceperitis eas nobis in Cancellar n̄ram
 &c. ubicunq̄ tunc fuerit sub sigillis vestris trium vel
 duorū vestrum clausū distinde & aperte mittatis una-
 cum Interrog p̄dict & hoc brevi ut inde fieri faciatis
 quod equitati consonans fore videbitur L.R. &c.

Commissio ad audiend' & determinand' super exa-
 minatione Testium.

Ver &c. Dilectis sibi &c. salutem Cum quedam
 materia litis coram nobis in Cancellar nostra inter
 W. L. & S. B. quer & G. L. defendentem pendet
 indecis ac p̄tes p̄dict eandem materiam ex earū mutuo
 assensu & consensu vestris Arbitriis commiser Scia-
 tis qđ dedimus vobis tribus vel duobus vestrum plenā
 potestāt & authoritatē testes quoscunq̄ de & super
 quibusdam Interrogator vobis vel tribus vestrum per
 partes p̄dict seu earundem alteram ministrandū diligen-
 ter examinandū & superinde materiam p̄dictam au-
 diendū & finaliter determinandū si possitis Et ideo vo-
 bis vel tribus vestrum mandamus qđ ad certos dies &
 loca quos ad hoc p̄videritis partes p̄dict ac testes
 suos quos p̄ certificatione veritatis in p̄missis maxime
 necessar

neccellar' esse videbitis coram vobis vel tribus vestrum venire. faciat & evocetis ac ipsos testes & eorū quemlibet per se separatim de & super Interrogator p̄dict super sacramenta sua coram vobis vel tribus vestrum super sacrosancta Dei Evangelia corporaliter p̄stando diligenter examinetis ac inspectis depositionibus testium p̄dictorum auditōq; coram vobis vel tribus vestrum partium p̄dict p̄propositis ac proponendū allegationibus intellectū ipsius rei veritate causisq; ac invicē materiam omnibus modis & mediis quibus melius scriberitis aut poteritis juxta sanas discretionēs vestras finaliter si poteritis determinetis si autem causam p̄dict determi-
nare non possitis Nos de toto facto & progressu vestris in p̄missis in &c. ubicunq; &c. unacum Interrogator p̄dict & hoc brevi faciedū in p̄missis secundum tenorem veramq; intentionem ordinis p̄dict quem vobis mittimus p̄ p̄sentium latozem T. R. &c.

Commissio de sequestr' pro Alimon'.

Rex &c. Sciatis qđ nos in complemento cuiusdam ordinis coram nobis in Curia Cancellar' nostr' inter A.D. quer' & R.D. defendent nuper fact' gereñd dat' quarto die Junii anno Regni nostri vicesimo tertio & alii cuiusdam ordinis inter ipsas partes nuper etiam ibidem fact' gereñd dat' vicesimo die Junii instant' Assignavimus vos ac tenore p̄sentium damus vobis tribus vel duobus vestrum plenam potestatem & auctoritatem stat' p̄dict defendentis in manus & possessionē vestras vel duorū vestrum capiendū & recipiendū & sequestrandū ac erinde ad usum p̄fat quer' pro quarterial' solutione sex librarum per annū & arreraq; inde rec' durand' separationem inter partes p̄dict juxta tenorem & veram intentionem ordinis decretal' inter partes p̄dict fact' & pronunciat' p̄ dictam Curiam nostram gereñd dat' primo die Februar' Anno Domini &c. Et ideo vobis tribus vel duobus vestrum mandamus qđ diebus horis & locis ad istum efficiendū congruis & opportunis in & super statū p̄dict

Pdict defendantis intretis Ac eundem in possessiones vestras vel duorum vestrum capiatis & recipiatis & sequestratis & exinde ad usum p̄fat quer' p' quarterial solutionibus sex librar' p' ann' & arreragior' inde durand tempore separationis inter partes p̄dict recipiat ad usum ipsius quer' secundum tenorem ordinis decretal' & al' separat ordin' p̄dict Et hoc nullatenus omittatis T. R. &c.

Duces Tecum pro Script'.

Rex &c. A. B. salutem Quibusdam certis de causis coram nobis in Cancellar' nostra propositis & in quodam ordine in dicta Cancellaria nostra inter C. D. quer' & te p̄fat A. defendentem gerend' dat' secundo die Decembris nuper fact' particularit' mentionat' & exp̄s Tibi precipimus firmiter injungend' qd' omnibus aliis p̄termisiss' & excusatione quacunq' cessante in propria persona tua sis coram nobis in dicta Cancellaria nra ubicunq' tunc fuerit ducens vel duci faciens quoddam scriptum sub manibus & sigillis p̄fat quer' & patris sui & notam quandam &c. que per responsonem tuam quer' remon' p̄dict quer' adhibetur in custodia tua existere confessus es vel tunc & ibi ostendens vel ostendi faciens bonam & sufficientem causam in contrarium inde secundum tenorem & veram intentionem ordinis p̄dict Et hoc sub p̄culo incumbente &c. T. R. &c.

Commissio ad recipiend' Respons' Infantis.

Carolus Rex &c. Dilectis sibi &c. Cum Robertus Wood querens quandam petitionem coram nobis in Cancellaria nostra versus M. M. Infant' p' Guardian suum defendentem nuper exhibuit Nos eidem defendenti p' breve nostrum &c. Sciatis qd' dedimus vobis tribus vel duobus vestrum potestatem & auctoritatem ipsum defendentem p' Guardian p̄dict de & super materiam petitionis p̄dict cujus tenorem &c. Et ideo vobis

vobis &c. quos ad hoc p[ro]videritis ad p[re]fat[um] defendente[m]
Guardian[um] Infant[um] p[re]dict[um] si comode ad vos &c. accedatis
ac ipsum defendentem per Guardian[um] suum de & sup[er]
materiam petitionis p[re]dict[ae] super sacramentum Guar-
dian[um] Infant[um] p[re]dict[um] tact[um] per ipsum p[ri]us coram vobis
&c. diligenter examinetis Respon[s]ionemq[ue] suam eidem
petitioni fiens recipiatis & in scriptis in pergamento re-
digatis &c. eam nobis in Cancellar[um] nostram &c. ubi-
cunq[ue] tunc fuerit &c. W. R. &c.

Commis. ad audiend[um] & determinand[um].

Carolus &c. Dilectis &c. Cum varie lites & con-
troversie nuper ort[ae] & mot[ae] fuer[unt] inter A. B. quer[entem] &
C. D. def[ensorem] & partes p[re]dict[as] p[ro] meliori quiete sua ex eor[um]
assensu & consensu tam materias p[re]dict[as] quam omnes
alias controversias lites & demand[um] inter eos in Can-
cellar[um] n[ost]ra jam penden[tem] indecis[um] arbitriis vestris com-
miserunt. Sciatis igitur q[uo]d nos de fidelitat[is] &c. assig-
navimus vos ac tenore p[re]sentium in complemento
cujusdam ordinis in dicta Cancellar[um] n[ost]ra ex assensu
inter partes p[re]dict[as] fact[um] geren[tes] dat[um] p[re]sentium damus
vobis tribus vel duobus vestrum potestatem & authori-
tatem materias p[re]dict[as] audiend[um] & testes quoscunq[ue] per
partes p[re]dict[as] vobis p[ro]ducend[um] de & super quibusdam In-
terrogator[um] per partes vobis exhibend[um] seu deliberand[um]
diligenter examinand[um] & easdem materias finaliter si po-
teritis determinand[um]. Et ideo vobis &c. mandamus q[uo]d
ad certos dies & loca quos ad hoc p[ro]videritis tam partes
p[re]dict[as] quam testes quoscunq[ue] p[re]dict[as] coram vobis venire
faciatis ac ipsos testes & eor[um] quemlibet per se separa-
tim de & super Interrogator[um] p[re]dict[um] super sacramenta
sua tact[um] per ipsos p[ri]us coram vobis &c. sacrosanctis
Dei Evangel[is] corporat[is] p[re]stand[um] diligenter examinetis
examinationesq[ue] suas sup[er] eisde[m] recipiatis & in scriptis
in pergamento redigatis. Auditisq[ue] superinde partium
p[re]dictar[um] rationibus invicem p[ro]positis & p[ro]ponend[um] al-
legationibus intellect[um] totiusq[ue] rei veritat[em] easdem ma-
terias

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terias tuusculunq; litis & controversiarū p̄dict omnibus
viis & modis quibus melius scriberitis & poteritis iuxta
sanas discretiones vestras finaliter si poteritis determi-
netis fin autem causam p̄dict determinare non possitis
examinationes testium p̄dict cum toto fact & opinio-
nibus vestris in p̄missis &c. ubicunq; tunc fuerit sub
sigillis vestris trium vel duorū vestrum clausū distinde
& aperte mittatis unacum Interrogator p̄dict & hoc
breve faciendū in p̄missis secundum tenorem veramq;
intentionem ordinis p̄dict quem vobis mittimus per
latozem p̄sentium T. R. &c.

Commis. special' ad examinand' testes & def.

Rex &c. Dilectis &c. Sciatis qđ nos de fidelitatē &c.
assignabimus vos &c. damus &c. potestatem & authori-
tatem testes quoscunq; de & super quibusdam Inter-
rogator tam ex parte A. B. quer' quam ex parte A. F.
defendent vobis tribus vel duobus vestrum ministrandū
seu deliberandū diligenter examinandū Necnon dedimus
vobis &c. ulteriozem potestatem & authoritatem quosda
D. D. C. H. & al' defendentes mentionat in quodam
ordine huius Curie gerendū dat nono die instant' mensis
Februarij super quibusdam Interrogator ex parte p̄fat
quer' vobis &c. exhibendū diligenter examinare Et
ideo &c. mandamus qđ &c. quos ad hoc p̄videritis testes
p̄dict necnon defendentes antedictos coram vobis &c.
venire faciatis & evocetis Ac ipsos testes & eorū quem-
libet necnon defendentes p̄mentionat & eorū quemlibet
per se separatim de & super Interrog p̄dict super sacra-
menta sua tact p̄ ipsos prius coram vobis tribus vel
duobus vestrum sacrosanctis Dei Evangel' corporaliter
p̄standū diligenter examinetis Examinationesq; suas
super eisdem recipiatis & in scriptis in pergamento
redigatis Et cum eas sic ceperitis eas nobis in Can-
cellar' nostram in quindena Pasch' ubicunq; tunc fue-
rit sub sigillis vestris trium vel duorum vestrum clausū
distinde

distincte & aperte mittatis unacum Interrogō p̄dict & hoc brevi T. R. &c.

Breve Executionis Decret' & Relationis secundum Regul' Dn'i Coventr'.

Rex &c. A. B. C. D. &c. salutem Cum secundum quoddam finale Iudicium sive Decretum coram nobis in Cancellar' nra inter L. M. N. O. & P. Q. quer' & vos & al' defendentes nuper fact' & reddit' gerend' dat' &c. T. B. Miles unus Magistroz in Cancellar' nostra cūsus considerationi materia in Decret' p̄dict mentionat' per nos & dictam Curiam nostram committebatur nos bis in dict' Cancellar' nostra inter alia certificaverit qđ adtunc dicto querenti A. B. proportionis sue residuo unacum dampnis & custagiis per ipsum adtunc taxat' summam insolut' remansit centum viginti libraz octo decim solidoz & sex denarioz inter eos equaliter dividend'. Et ulterius certificaverit dict' querent' sumam duodecim libraz & octo denarioz inter eos equaliter dividend' similiter insolut' put ex relatione dicti Magistri penes Registrarium Cur' nostre p̄dict residend' plenius liquet & apparet Cumq; p subsequentem ordinem dicte Cur' Cancellar' nre inter partes p̄dict gerend' dat' &c. Certificatio p̄dict ratificata & stabilit' extiterit dicte Cur' nostre auctoritate Nos ea que in Cur' Cancellar' nre rite pacta sunt inviolabiliter observata & sancita volentes vobis firmiter insungendo p̄cipimus qđ dictas summas viz. &c. pariter &c. debito modo solvatis vel solvi faciatis respective juxta tenore Decreti Certificationis & Ordinis p̄dict Et hoc sub periculo incumbenti nullatenus omittatis nec omittat vestrum aliquis quovis modo T. R. &c. Anno decimo nono Caroli secund'.

Commissio

Commissio Magistro super Comp'.

Rex &c. Dilecto & fideli suo Thome Escourt Militi
 uni Magistrorum Cur' Cancellar' nostre salutem Sciatis
 qd nos de fidelitate & provida circumspectione tua plu-
 rimum confidentes assignavimus te ac secundum te-
 nozem cuiusdam ordinis coram nobis in dicta Cur' nra
 inter R. Jones quer' & Johem Williams def. ac inter
 Rogerum Walker quer' & Jacum Stanaway def. nup
 fact' & reddit' gerend' dat' decimo nono die Octobris ult'
 pterit' damus tibi plenam potestatem & auctoritatem
 testes quoscunq; tangend' Computum in ordine p'dict'
 mentionat' vel aliquam aliam rem Comp' p'dict' cons-
 cernend' de & super quibusdam Interrog' sive aptis ques-
 tionibus tibi per partes p'dict' seu eorum aliquem mi-
 nistrand' tam ex parte dictorum quer' quam ex parte
 p'fat' def. in ambabus causis p'dict' diligenter examinand'
 Et ideo tibi mandamus qd ad certos dies & loca quos ad
 hoc p'videritis testes p'dict' coram te venire facias &
 evoces ac ipsos & eorum quemlibet per se separatim
 de & super Interrogator' sive aptis questionibus p'dict'
 tangend' computum p'dict' vel aliquem aliam rem ut
 p'dicitur super sacramenta sua prius tact' coram te sacro-
 sandis Dei Evangel' corporaliter prestand' diligenter
 examines. Examinationesq; suas super eisdem recipias
 ac de toto facto & progressu tuo in p'missis Nos in
 Cancellar' nostram p'dict' sine dilatione ubicunq; tunc
 fuerit &c. per relationem tuam certiores reddas faciens
 in p'remissis iuxta directionem ordinis p'dict' T. R.
 apud Westm' &c.

Injunctio super Sequestrationem.

Rex &c. Thome Reynolds ac omni alie persone sive
 omnibus aliis personis habend' clamed' sive vendicand'
 aliquod suu' statum titulum interesse clameum vel des-
 mand' quodcunq; vel subrus te p'fat' Thomam de in vel
 ad

ad domum manſional terr' & ſtat real ſive perſonal
inſtrumentional & eor' cuilibet ſalutem Offenſ' eſt
nobis in Cur' Cancellar' noſtre ex parte Parmaduci
Polby Armig' quer' verſus te pſat Thomam def. Qu
cum ipſe querens decretum dict' Curie noſtre p' ducent
ſeragint' & ſex libris obtinuit Quod tu pſat defen
dens p' defectu ſolutionis earundem pecun' in contumac
ſis Et ideo h'bre noſtrum de ſequeſtratione emanabit
direct' Richardo Aſhtor Willielmo Gray Robto Ad
dinal & Iſaaco Knot Gen' Commiſſionar' p'dict' quer
dand' eis poteſtatem ſequeſtrand' omnem ſtatum tam
real' qm' pſonal' cui pſat defendent' ſed pſat Commiſ
ſionar' cum eand' ſequeſtrationem exequi voluer' ad do
mum manſional' tuam de Witherholme veniend' in eand'
admitti non potuer' velut ex certificatione liquet Nos
ad hoc conſiderationem habentes volentesq' decretum &
mandatum dict' Cur' noſtre inviolabiliter obſervari
Tibi igitur pſat Thome Reynolds ac vobis pſat ces
teris omnibus & ſingulis perſonis ſupradictis & cuilibet
veſtrum ſubpena mille librar' de terris bonis & catal
lis veſtris ad opus noſtrum levand' ſimiliter injungend'
p'cipimus qd' ſine dilatione p'mittatis & quemlibet v'um
p'mittat dictos R.A. W.S. R.A. G.R. Sequeſtratores
& Agent' ſuos tres vel duos eor' domum manſional' terr'
p'miſſa p'd' intrare & poſſeſſion' eorund' accipere reddi
tuloz exiſt' & p'ficua eorund' & cuſuſlibet inde pris' & p'cell'
in manus & poſſeſſiones ſuas accipere & recipere & eaſde'
ſurta tenore h'bris de ſequeſtratione p'dict' ſequeſtrare
donec & quouſq' pecun' p'dict' cum cuſtagiis & dampnis
ſurta directionem decreti p'dict' plenarie ſatisfact' fuerit
Et hoc ſubpena p'dict' nullatenus omittatis nec omittat
veſtrum aliquis quovismodo Teſte meipſo apud
Weſtmd' decimo die Novemb'is anno Regni noſtri vi
ceſimo octavo &c.

Bond on a Commission of Rebellion.

Proberint universi per presentes nos A. B. de W. in Comitatu Surr Armig & A. B. de &c. teneri & firmiter obligari Harbottle Gimson Bar Magistro Rotulorum in centum libris legalis monete Angl Solvend eidem Harbottle aut suo cito Attoznato Executor vel Administratozibus suis ad quam quide solutionem bene & fideliter faciend obligamus nos Heredes Executors & Administrator nostros & quemlibet nostrum p se p toto & in solido firmiter p ptesentes sigill nostris sigillat dat &c. die April Anno Regni Caroli secundi &c. decimo nono Annoz Dom 1667.

The Condition of this present Obligation is such, That if the above bounden A. G. Esq; shall and do personally appear before our Lord the King in his Majesty's High Court of Chancery, in fifteen days now after *Easter* next coming, upon a Commission of Rebellion issued out of the said Court against him, at the suit of A. R. and shall answer as well for his said Contempt as all such things as shall be then and there objected against him, and do and perform what the said Court shall award in that behalf; then this present Obligation to be void, otherwise to stand and be in full force, &c.

Commission to take the acknowledgment to vacate a Recognizance.

Carolus secundus &c. Dilectis &c. salutem Cum A. B. vicesimo die Octobris Anno Regni &c. vicesimo primo coram nobis in Cancellar nostr personaliter constitut recognovit se debere C. D. quadragint libras &c.

Commissio

Commissio ad eligend' Guardian' non privileg', &
ad examinand' Guardian' super Interrog'.

Rex &c. Dilectis sibi &c. M. R. P. W. H.
E. S. & S. M. Armig salutem Sciatis qd nos de si-
delitatibus & providis circumspectionibus vestris plu-
rimo confidentes assignavimus vos ac in complemento
duorum quorundam ordinum coram nobis in Cur Can-
cellar nre inter G. T. Administratorem A. M. Armig
defunct quer Eliz. Ray Infant filiam Johis Ray War
defunct & hered Johis Ray & Barthol Ray defunct
defend fact quorum prior gerit dat vicesimo sexto die
Junii ult pterit ulterioz undecimo die instantis Julii
damus vobis tribus vel duobus vestrum plenam potestas-
tem & auctoritatem Guardian pdict Eliz. Ray Infant
quem Infans pdict eligit (hoc tamen proviso qd psona
ita p Guardian elect non sit privileg) ad defendend
dictam sectam admittendi & assignandi Et ideo vobis
tribus vel duobus vestrum mandamus qd ad certos dies
& locum quos ad hec pvideritis Infantem pdict coram
vobis tribus vel duobus vestrum venire faciatis & evo-
catis ac Guardian Infantis pdict admitteritis & assigne-
netis Et cum sic feceritis Guardian pdict super In-
terrog hiis pntibus interclus super sacramentum suum
fact per ipsum prius coram vobis tribus vel duobus
vrum sup sacrosanctis Dei Evangel corporalit pstand
diligent examinetis Examinationesq suas super eis-
dem recipiatis & in scriptis in pgameno redigatis Et
cum ita sic feceritis eas nobis in Cancellar nra ac nos
de nomine Guardian pdict a die scd Michis in tres
septimanas prior. futur ubicunq tunc fuerit sub sigillis
vestris trium vel duorum vestrum claus distinde & apte
mittatis unacum Interrog pdict & hoc brevi faciend in
premissis juxta directionem ordinis pdict T. R. apud
Westm &c.

Injunctio

Bond on a Commission of Rebellion.

Proberint universi per presentes nos A. B. de W. in Comitatu Surr' Armig' & A. B. de &c. teneri & firmiter obligari Harbottle Grimston Bar' Magistro Rotulorum in centum libris legalis monete Angl' Solvend' eidem Harbottle aut suo &to Atornato Executor vel Administratozibus suis ad quam quide' solutionem bene & fideliter faciend' obligamus nos Heredes Executors & Administrator' nostros & quemlibet nostrum p se p toto & in solido firmiter p plentes sigill' nostris sigillat' dat' &c. die April' Anno Regni Caroli secundi &c. decimo nono Annor' Dord' 1667.

The Condition of this present Obligation is such, That if the above bounden A. G. Esq; shall and do personally appear before our Lord the King in his Majesty's High Court of Chancery, in fifteen days now after *Easter* next coming, upon a Commission of Rebellion issued out of the said Court against him, at the suit of A. R. and shall answer as well for his said Contempt as all such things as shall be then and there objected against him, and do and perform what the said Court shall award in that behalf; then this present Obligation to be void, otherwise to stand and be in full force, &c.

Commission to take the acknowledgment to vacate a Recognizance.

Carolus secundus &c. Dilectis &c. salutem Cum A. B. vicesimo die Octobris Anno Regni &c. vicesimo primo coram nobis in Cancellar' nostr' personaliter constitut' recognovit se debere C. D. quadragint' libras &c.

Commissio

Commissio ad eligend' Guardian' non privileg', &
ad examinand' Guardian' super Interrog'.

Rex &c. Dilectis sibi &c. M. L. R. P. W. H.
E. S. & S. M. Armig salutem Sciatis qd nos de si-
delitatibus & providis circumspeditionibus vestris plu-
rimim confidentes assignavimus vos ac in complemento
duorum quorundam ordinum coram nobis in Cur Can-
cellar' nre inter G. T. Administratozem A. M. Armig
defunct quer' Eliz. Ray Infant filiam Johis Ray War
defunct & hered Johis Ray & Barthol Ray defunct
defend fact quorum prior gerit dat vicesimo sexto die
Junii ult pterit ulterioz undecimo die instantis Julii
damus vobis tribus vel duobus vestrum plenam potestas-
tem & adthoritatem Guardian pdict Eliz. Ray Infant
quem Infans pdict eligit (hoc tamen proviso qd psona
ita p Guardian elect non sit privileg) ad defendend
dictam sectam admittendi & assignandi Et ideo vobis
tribus vel duobus vestrum mandamus qd ad certos dies
& locum quos ad hec pvideritis Infantem pdict coram
vobis tribus vel duobus vestrum venire faciatis & evo-
cetis ac Guardian Infantis pdict admitteris & assigne-
netis Et cum sic feceritis Guardian pdict super In-
terrog hinc plentibus interclus super sacramentid suid
fact per ipsum prius coram vobis tribus vel duobus
vrum sup sacrosandis Dei Evangel corporalit pstand
diligent examinetis Examinationesq suas super eis-
dem recipiatis & in scriptis in pgameno redigatis Et
cum ill sic feceritis eas nobis in Cancellar nra ac nos
de nomine Guardian pdict a die scd Michis in tres
septimanas prior. futur ubicunq tunc fuerit sub sigillis
vestris trium vel duorum vestrum claus distinde & apte
mittatis unacum Interrog pdict & hoc brevi faciend in
premissis juxta directionem ordinis pdict T. R. apud
Westm &c.

Injunctio

Injunctio super Certiorari.

Rex ꝛc. T.C. & D.C. ac Consiliari Attornat & Solicitator suis quibuscunq; & eorū cuilibet salutem Cum ꝑ quendam ordinē coram nobis in Cancellariā nrā nup̄ fact inter S. S. quer' & vos ꝑfat T. & D. defendentes gerend vā certio die Julii instant ꝑ rationibus in eodē content ordinat fuit qđ hebe nostrum de Injunctioe ꝑ restrictionē ꝑcessū versus ꝑfat defendend in quadam actione & attachiamen ꝑ vos vel und vestrum ꝑsent in Cur' Dñi Majoris Civitat London & concernend alias materias in queremon ꝑfat querentis in dicta Cancellariā nostrē versus vos ꝑfat Thomam & David nuper exhibiti mentionat & content Nos in complemento ordinis ꝑdict vobis ꝑfat T. C. & D. C. ac vobis ꝑfat Commissari Attornat Agent & Solicitat suis & vrum cuilibet sub pena quinq; mille librarū de terris & catalis vestris & cuilibet vestrum ad opus nostrum lebānd firmiter injungend ꝑcipimus qđ ab omni ulteriozi ꝑꝑsecutione quacunq; in Curia Dñi Majoris Civitat London ꝑdict vel ad comunem legem de ꝑ vel super actione vel attachiamen ꝑdict aut aliquibus aliis materiis in queremon ꝑdict querelat & content desistatis & quilibet vestrum abhinc penitus desistat Et hoc ꝛc. Teste ꝛc.

Retorn' Cerciorar' & Proced' super Attachiamen to
in Cur' Major'.

Rex ꝛc. Majori Aldermannis & Wic London salu-
tem Volend certis de causis Cerciorar tam de quadam
original bilē in Curia nostra coram vobis seu aliquo
vestrum affirmat sive lebat versus Johem Spiers def.
ad sextam Johis Farwar quer' in ꝑlito debiti super
demand 800 l. quam de quoda attach trescent & viginť
librarum & octodecim solidis in manibus & custod Edm
Scaman existend superinde fact vobis & cuilibet vrum
mandamus

mandamus qđ pđict bill originē & attach pđict cum omnibus ea tangeñ adeo plene & integre prout coram vobis seu aliquo vestrum resident quibuscunq nomibus partes pđict vel eor aliquis censeatur coram nobis in Cur Canē nrē imēdiate post receptionē huius brevis nostri ubicunq tunc fuerit sub sigillis vestris distincte & aperte mittatis & hoc breve Teste meipso apud Westm
Grim Blake.

Indoꝝ p Dñum Custod Magni Sigill 10 Januar Anno Regni Regis Caroli secundi vicesimo tertio allocatur hoc breve &c.

Executio istius brevis patet in quadam schedula eidem brevi annexa

Ritō Ford Mil Major & Alderman Civitat Londoni
Necnon Danieli Ford & Patien Ward ejusdem Civitat Wicecom
Nos Ricus Ford Major & Alderman Civitat Londoni necnon Daniel Ford & Patien Ward Armig ejusdem Civitat Wicecomes Dño Regi in Cancellar sua imēdiate post receptionem brevis hic huic schedule consūt certificamus qđ ante adventum istius hris nobis direct scilicet vicesimo quarto die Novembr Anno Regni dict Dñi Regis &c. Jōhes Farwarks vend hic in Cur dicti Dñi Regis nunc coram nobis pstat Major & Alderman dict Civitat scituat in Parochia scđ Michaelis Bassishaw in Warda de Bassishaw Londoni pđict secundum consuetudinem dict Civitat tenē in propr personis suis & tunc & ibm affirmavit versus Jōhem Spiers quendam billam originat de plico debiti super demand sexcentar librarum sup quam quidam billam originat process continuat fuit quousq postea scilicet vicesimo quinto die Martii Anno tricesimo tertio pđict inter horam octavam & nonam ante meridiem ejusdem diei dictus Jōhes Spiers attach est per trecent & vigint libras & octodecim solidos in pecuniis numerat ut de denar dict Jōhis propr in manibus & custod Edm Seaman existent attach & defens &c. per Thomam Ayward servient ad clavam nrum dictorum Major & Alderman ac Ministr Cur pđict & sic eadem
billa

billā origināl & attachiament p̄dict pendent indeter-
minat.

Et hic est tenor billę origināl p̄dict & attach super
inde fact de qua in brevi p̄dict sic mentio Quā quidē
billam origināl & attach cum omnibus ea tangend sub
sigillis nostris dicto Domino Regi ad diem & locum
in eodem brevi mentionat certificamus prout nobis per
breve p̄dict p̄cipitur.

Breve Claus' super Ordin' Relation'.

Rex ꝛc. salutem Cum per quendam ordinē coram
nobis in Cancellar' nrā nup fact & reddit inter C. D.
quer' & te p̄fat A. B. def. & econtra gerend dat nono die
Iulii instant (viz.) Termino sancte Trinitatis ult
ordinat existit qđ tu p̄fat defend' vel Attornat tuus
noticiam ordinis p̄dict in tempore habend bonam
causam in contrarium tunc per tertium general' sigill
post p̄xor. terminū p̄dict ostenderet quare non solheret
dict quer' totam summam septem librarum sex solidor
& octo denarioꝝ legalis monete Angl in quadam rela-
tione W. B. unius Magistroꝝ Cur' Cancellar' nostre
p̄dict content' mentionat & expels Nos ad hec consi-
derationem habentes ac pro eo qđ tu p̄fat def. noticiam
ordinis p̄dict habuisti sicut per sacrament' fide dignoꝝ
apparet nullam tamen causam in contrarium ostendisti
sicut p̄ certificationē a Registrat' Cur' Cancellar' nrā
apparet Tibi igitur p̄fat A. B. p̄cipimus & firmiter
insurgend mandamus qđ dictam summam septem li-
brar' sex solidor' & octo denarioꝝ dicto quer' debito modo
solvas seu solvi facias secundum tenorem & veram in-
tentionem relacōd & ordinis p̄dict Et hoc sub piculo
incumbente nullatenus omittaris nec omittat vestrum
aliquis quovismodo T. R. ꝛc.

Al' Breve Claus' super Ordin' & Ralat'.

Rex &c. salutem Cum p quendam ordinem in Cur
Cancellar nre nuper fact & reddit inter R. B. quer
& pfat J. R. & al defendentes gereid dat decimo die Fe-
buar ult pterit (inter alia) ordinat existit qd R. A.
in Legibus Doctor uid Magistroz Cur nostre pdict
comp inter partes pdict de & concernend quibusdam ar-
ticolis in queremoni caperet & calcularet Cumq sup
calculatione illa tu pfat J. sicut ex relatione Magistri
pdict nobis vicesimo nono die Maii ult pterit ostens ac-
cepimus inventus fuisse in areragiis erga pdict quer
in summa centum & septem librarum tresdecim solidoz
& octo denarioz sicut p relationem pdict remaneid cu
Registrario Cur nre pdict plenius apparet Tibi igit-
tur pfat J. R. firmiter injungend pcepimus qd solvas
seu solvi facias pdict summa centum & septem librar
tresdecim solidoz & quatuor denarioz indilate juxta
formam & verum effectid ordinis & relationis pdict Et
hoc sub periculo incumbente nullatenus omittatis nec
omittat vestrum aliquis quovismodo T. R. &c.

Dedimus Potestatem ad recipiend' Respons' Cor-
poration' sub Communi Sigillo.

Rex &c. Dilectis sibi A. B. &c. salutem Cum A. B.
quer quandam petitionem coram nobis in Cancellaria
nostra versus C. D. Mayor & Alderman Burgi & Pa-
roch de Barnstaple in Com nro Devon def. nup exhi-
buerit Adq eisdem defendentibus p bre nrum nup pre-
cepimus qd essent coram nobis in dict Cancellar nre
ad certum diem sam pterit petitioni pdict responsur
Qui quidem Mayor & Alderman Burgi & Paroch
pdict sunt uid corpus incorporat & queremoni pdict sub
communi sigillo corporationis sue respondere debeant
Sciatis &c. qd nos &c. deo potestat &c. responsionem po
eide petie fiend cusus quidem tenor vobis mittimus
Z Plencitus

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plentibus interclusū sub sigill' cōmuni Corporacionis p̄d
debite & respective recipere Et ideo &c. ad vos laborare
non possint accedatis ac responsionem eorundem defen-
dencium in scriptis in p̄gamento redigatis sub cōmuni
sigillo Corporacionis p̄dict' Et ill' nobis in Cancellar'
nostr' &c. ubicunq; &c.

Al' Certiorar' super Dep'.

Rex &c. Dilectis &c. Volentes certis de causis Cer-
tiorar' sup omnibus & singulis examinaconibus & testid
depositionibus p̄ vos tres vel duos v̄sum int' R. J. quer
& L. D. def. virtute b̄tis n̄ri de deb' pot' vobis direct
capt' & examinat' & in custod' v̄sum aut alicujus v̄sum
adhuc remanend' ut dicitur vobis mandamus qđ deposi-
tiones & examinationes testid p̄d p̄ vos tres vel duos
vestrum exhibit' capt' & in scriptis in pergamento redact'
nobis in Canc' n̄ra in quinden' Pasch' &c. ubicunq; &c.
Telle &c.

Simile.

Rex &c. Dilectis &c. Volentes certis de causis Cer-
tiorari super tenor' omnium & singulaz examinationum
& depositionum quaruncunq; testium tam ex pte A. B.
quer quam ex pte C. D. def. p̄ vos vel duos vestrid vir-
tute h̄revis n̄ri de Commissione vobis tribus vel duo-
bus v̄sum direct' nup' capt' examinat' & pendend' penes
vos seu v̄sum aliquē residend' ut dicitur vobis & cuilibet
vestrum mandamus firmiter injungend' qđ tenores exa-
mination' & deposico' testium p̄dict' cum omnibus ea
tangend' quibuscunq; nominibus p̄tes p̄dict' censeantur
in eisdem nobis in Canc' nostram (quinden' &c.) ubi-
cunq; &c.

Label sic Dilectis &c. tribus vel duobus eoz ad
certiorand' deposition' testium p̄dict' cum
omnibus ea tangend' inter R. quer & R. W.
def. ret' quinden' Pasch.

Certiorar'

Certiorar' super Securitat' Pacis.

Rex &c. Custodibus pacis sue in Com' Midd' ac Vic
ejusdem Com' & eor' cuilibet salutem Volentes cer-
tis de causis Certiorar' super quadam securitat' pacis
quam Ric' Garret de J. in Com' p'dict' gen' invenit
coram vobis seu aliquibus vrm de eo qd ipse dampnū
vel malum aliquod L. R. de corpore suo aut de incendio
domor' suar' non fac' nec fieri procuraret quovismodo vo-
bis & cuilibet vestrum mandamus qd securitat' p'dict'
cum omnibus eam tangen' quocunq' nomine idem Mi-
chael censeatur nobis in Canc' nra sub sigill' vestris
vel unius vestrum distincte & apte mittatis sine dila-
tione & hoc breve Teste R. &c.

Certiorar' utrum Maner' sit antiquum dominicum.

Rex &c. Thesaurar' & Cancellar' Scii sui salutem
Quibusdam certis de causis certiorar' volentes utrum
Maner' de S. in Com' Staffor' sit de antiquo dominico
Coron' Anglie necne Vobis mandamus qd scrutatilibro
nro qui vocatur Doomesday de eo quod inde invene-
ritis Nos in Cancellar' nra sub sigillo Scii nri
distincte & apte sine dilatione reddatis certiores hoc breve
nobis remitten' T. R. &c.

Certiorar' per quæ Servitia.

Rex &c. Thesaur' & Camer' suis salutem Volentes
certis de causis Certiorar' que servitia per Maner' de G.
in Com' Lincoln cum p'ctū tenetur vobis mandamus
qd scrutat' tam libris Feodorum quam libro vocat'
Doomesday & al' memorand' de sc'io p'dict' p'missa tan-
gen' ut dicitur de eo quod &c. ut supra T. R. &c.

Cerciorar' pro Warrant' Attorn' & Record' Brevis
de Ingressu in le Post.

Rex &c. Dilecto & fideli suo Jacobo Dyer Mil' Ca-
pitul' Justic' suo de Banco salutem Volentes certis
de causis Cerciorari sup tenore Record' & pcess' loquere
que fuit in Curia Dñi Henrici nuper Regis Angl' sep-
timi de Banco de Termino sancte Trinitatis Anno
Regni sui vicesimo primo coram E. J. Milite & sociis
suis tunc Justic' ejusdem nuper Regis de Banco pdict'
& per breve ipsius nuper Regis &c. de ingressu sup dis-
seissnam in le Post inter T. J. & J. B. quer' & R. B.
def. de maneriis de Lamley & Blesby cum pertind nec
non decem Messuagiis quatuor Modis mille Acris
Terre sexagint Acris Prati mille Acris Pasture du-
cent Acris Bosci & quadragint Solidat' reddit' cum
pertind in Lamly & Blesby ac Advocacione Ecclesie de
Lamley in Comitatu Northumbrie ac de & super War-
ran' Attoz' sive Attoz' in loquela pdict' fact' coram
nobis in Banco pdict' resident' vobis mandamus qd
tenor' pdict' cum omnibus ea tangen' nobis in Can-
cellar' nostra sub sigillo vestro distincte & aperte mit-
tatis sine dilatione & hoc breve T. R. &c.

Certiorari Dep' super Com' de Bankrupt.

Rex &c. Dilectis sibi &c. Civibus & Mercatoribus
Civitatis nostre London' salutem Cum nos super hu-
mili supplicatione A. B. & al' Civium Civitatis nostre
London' existent' creditor' cuiusdam L. R. nup de Ci-
vitate nostra Ebor Grocer Bankrupt coram nobis in
Canc' nra eoz relevium peten' versus eundem L. nup
exhibet per breve nostrum de Com' sub Pagno Sigillo
nostro Angl' fact' assign' vos pfa' T. B. &c. Commis-
sionar' nros ac p eandem Commissionem nram dedimus
vobis sex quinqz vel quatuor vestrum aut alicui vestru'
Quoz pfa' C. F. aut T. C. unid esse voluerimus ad
faciend'

faciendū & exequendū versus p̄fat̄ T. R. Bankrupt omnes & singulas rem & res quascunq̄ tam p̄o & in satisfactione Creditorū p̄dict̄ quam p̄ in Complementū omnium & singulorū intencionum & p̄positū contentū & specificat̄ in quodā Actu fact̄ s̄lus Bankrupt in Parlamento tenet apud Westm̄ in Anno Regni p̄charissime soror n̄re Dñe Elizabethe nup̄ Regine Angl̄ decimo tertio edit̄ & p̄vis qm̄ mentionat̄ in statuto in Parlamento nostro tenet apud Westm̄ decimo nono die Martii Anno Regni n̄ri ꝛc. ac etiam versus Bankrupts edit̄ & p̄vis secundum formam & effectum eorū statutorū & eorū alterius put̄ in Cond̄ p̄dict̄ inter alia plenius continetur Cumq̄ etiam in dicta Cancellar̄ nostra decimo tertio die p̄sentis mensis Januarii ex parte Creditorum p̄dict̄ ostensū est qđ vos p̄fat̄ Commission̄ nostr̄ seu aliquis vestrum dep̄ testium quorundam & aliquas p̄bationes ceterarū p̄rium p̄dict̄ per vos seu aliquos vestrum in materiis p̄dict̄ p̄ceptu ejusdem Commission̄ nostr̄ examinast̄ nuper cepistis ac etiā easdē depositiones & p̄bationes p̄ Certiorari recusastis vobis igitur p̄fat̄ Commission̄ firmiter injungendū mandamus qđ omnes & singulas depos. & p̄bat̄ p̄dict̄ ac omnia & singula ea tangedū adeo plene & integre put̄ coram vobis seu aliquibus vestrum cap̄ fuer̄ ac pend̄ vos seu aliquis vestrum ut dicitur nobis in Cancellar̄ nostra sub sigillis vestris sex quinq̄ aut quatuor vestrum quorum aliquem vestrum vos p̄fat̄ D. F. aut T. C. unum esse volumus distince & apte sine dilacione mittatis unacum hoc b̄revi ut ulterius inde fieri faciamus quod de jure fuit faciendū T. R. ꝛc.

Commissio pro tenen' ad examin' Testes super Con-
tempt' Decreti & Injunctionis.

Reverend' &c. Dilectis &c. Cum super intellectu materie
litis & controverſie in Cancellar' noſtra inter T. J. &
al' tenen' Maner' de R. in Com' Noſſ. quer' & M. R.
Executric' R. B. & al' defend' penden' breve noſtrum de
injunctione conſeſſum eſt eidem M. J. & T. J. ac
omnibus al' aliquod ſus ſtatu' titulum clamed' intereſſe
vel demand' de vel in Maner' de R. in Com' &c. per
eos ſeu eorum alterum aut de vel ab aliqua nova di-
miſſione cap't ſuper ſuſumredditione dimiſſionis pre-
dict' T. J. aut de vel ſub titulo eor' vel eor' alicujus
hered' & claman' quiete & pacifice habere tenere uti
poſſidere & gaudere omnes & ſingulas terras & tene-
menta ſua in eadem injunctione mentionat' abſq' mo-
leſtatione ſive impedimento eorum ſeu eorum alicujus
ſurta veram intentionem Injunctionis predict' prout in
eadem Injunctione plenius continetur ac pro eo qd in-
formamur qd M. L. & T. R. Gen' ſpzet decret' in Can-
cellar' noſtra proinde fact' ac Injunctioni predict' parere
contemnent poſſeſſionem quorundam tenement' maner'
predict' diſturbarunt contra tenor' Injunctionis predict' in
contemptu nrd dicte Curie noſtre manifeſto quod
non nobis eſt quovismodo tolerand' Poſq' ordine dict'
Cur' nrd obediri volentes & contemptores inde debito
modo puniri Assignabimus vos ac tenore preſentium da-
mus vobis tribus vel duobus vrd potestat' & authoritat'
teſtes quoscunq' de & ſup' quibuſda' Interrog' p' p' quer'
vobis tribus vel duobus veſtrum exhiben' tangen' &
continen' contemptum p' p'fat' M. L. & T. R. ſeu eor'
alterum comiſ' ut predict'ur diligenter examinand' Et
ideo vobis tribus vel duobus veſtrum mandamus qd
ad certos dies & loca quos ad hoc provideritis conve-
niatis & aſſemblesis ac teſtes predict' coram vobis tribus
vel duobus veſtrum venire faciatis & evocetis ac vos
tenore Injunctionis predict' teſtes predict' coram vobis
tribus

tribus vel duobus vestrum super Interrog^o p^odict^o tan-
gen^o contemptum p^odict^o super sacramenta sua sacro-
santis Dei Evangel^o corporaliter p^ostand^o examinetis
Examinationesq^{ue} suas super eisde^m recipiatis & in script^o
in pergamen^o redigatis Et cum ill^o sic ceperitis eas
nobis in Cancellar^o nostram (quindena Pasche) pr.
futur^o ubicunq^{ue} tunc fuerit sub sigillis vestris trium
vel duorum vestrum claus^o distincte & aperte mittatis
unacum Interrog^o p^odict^o & hoc b^ovebi Proviso semper q^o
p^odict^o W. L. habet p^omonitionem p^o spaci^om octo die^o de
die & loco ante executionem hujus Cond^o T. R. &c.

Certiorari super Commis. ad audiend^o & deter-
minand^o.

Rex &c. Dilectis &c. Cum nuper volentes certis de
causis Certiorar^o super omnibus & singulis examinatio-
nibus testium inter A. B. quer^o & C. D. tangen^o vel
concernen^o statum T. F. defunct^o ac de toto facto Judi-
cio & opinionibus vestris in p^omissis Vobisq^{ue} sp^oretis
mandatis nostris p^odict^o ut accepimus p^omiss^o. facere vel sal-
tem causam quare ea facere voluistis vel non potuistis
nobis significare hactenus non certiorastis in urd^o man-
dato^orumq^{ue} p^odict^o contemptu manifest^o & ipsius C. damnum
non modicum & gravamen de quo miramur quamplur^o
& movemur Vobis igitur mandamus firmit^o injungend^o
q^o nos de omnibus & singulis examinationibus testium
p^odict^o ac de toto facto Judici^o & opinionibus v^oris in p^ore-
missis nobis in Cancellar^o n^oram certificetis surta tenor^o
mandato^orum nostror^{um} p^odict^o p^oius vobis inde direct^o vel vos
ipsi sitis cora^m nobis in Cancellar^o nostr^o in quinden^o
Pasche ubicunq^{ue} tunc fuerit ostensur^o quare mandat^o n^oro
p^odict^o toties vobis inde direct^o parere contempnistis Et
hoc sub pena mille lib^orar^{um} nullatenus omittatis Et ha-
beatis ibi hoc b^ovebe & aliud b^ovebe unacum examinatio-
nibus ill^o sic tangen^o T. R. &c.

Certiorar' ad Curiam Major' secundum Placit'
special'.

Rex &c. Maiori Aldermannis & Vicecom' London
& eorum cuilibet salutem Volentes certis de causis
Certiorar' de & sup' quadam actione sive quere' in Cur'
nia coram vobis seu aliquibus vestrum inter R. D.
Executor test' R. D. defunct' ac A. G. Viduam Ad-
ministratricem L. D. defunct' pro quodam p'tenso de ho-
centum marcaꝝ ibm pendend' Et ideo vobis & cuilibet
v'ro mandamus qd causam p'd' cu' omnibus ea tanged'
quibuscunq' nominibus partes p'dict' in causa illa
censeantur nobis in Cancellar' nostram in quinden'
Pasch' prox. futur' ubicunq' tunc fuer' sub sigillis v'ris
distincte & aperte mittatis sub sigillis vestris & hoc bre
L. R. &c.

Commis. Oyer & Terminer direct' tribus si non
tunc sibiipso.

Rex &c. Dilectis &c. salutem Cum varie lites &
controversie nuper mot' & ort' sunt ac in Canc' nostra
adhuc pendunt indecis' & indeterminat' inter J. P. quer'
& C. W. def. ac ptes p'dict' p' meliori quiete unius cum
altero ac concordiam inter se imposterum habend' ex
eorum mutuo assensu & consensu materias p'dict' v'ro
final' arbitrio p'sat' P. T. pro quer' & R. T. pro de-
fendent' concessere vestroz in p'missis stare arbitrio &
decret' Sciatis igitur qd nos de fidelitatibus & p'vobis
circumspectionibus vestris confidentes in negotiis tam
p'is exequend' tenore p'sentiu' damus vobis p'sat' J. P.
R. & D. tribus vel duobus vestrid' quorum unum pro
quer' & unum pro def. duos esse volumus potestatem
& auctoritate' inter partes p'dict' & eoz testes quoscunq'
coram vobis tribus vel duobus vestrum venire faciend'
& evocand' ac ipsos testes & eorum quemlibet de & super
quibusdam

quibusdam Interrog^o p^res p^rdict seu eorum alterum
vobis exhibend^o ministrand^o, seu deliberand^o diligenter
examinand^o ac materias p^rdict inter eas & eandem fina-
liter si poterit ex assensu p^rium p^rdict determinand^o Et
ideo vobis p^rfat J. P. R. & D. tribus vel duobus v^ris
quorum un^o p^ro quer^r & un^o p^ro def. duos esse volumus
mandamus q^d ad certos dies & loca quos ad hoc p^ro-
videritis apud M. in Com^o M. conveniatis & assem-
bletis ut p^res p^rdict inter eorum test^r p^rdict coram
vobis p^rfat J. P. R. & D. tribus vel duobus v^ris
quorum un^o p^ro quer^r & un^o p^ro def. duos esse volu-
mus mandamus q^d ad certos dies & loca quos ad hoc
providideritis apud M. in Com^o M. conveniatis ac as-
sembleatis ac partes p^rdict & eorum testes p^rdict
coram vobis p^rfat J. P. R. & D. tribus vel duobus v^ris
quorum sc. venire fac & evocetis ac ipsos testes ac
eorum quemlibet de & sup^r Interrogator p^rdict sup^r
sacramenta sua coram vobis p^rfat J. P. R. & D. tribus
vel duobus v^ris quorum sc. p^r sacrosancta Dei E-
vangel^o corporealiter p^rstans diligenter examine^t Exa-
minationesq^{ue} suas recipiatis ac v^ris tenor petition^{is}
p^rdict quer^r in Cancellar^o nostra exhibet & respons^o def.
adinde fact^o necnon depositionibus testium p^rdict p^r vos
capt^o audit^oq^{ue} hinc inde p^rium p^rdict rationibus & in-
vicem p^rpositis ac p^rponend^o allegationibus intellectaq^{ue}
totius rei veritate eandem materias & controversias
omnibus v^ris modis & mediis quibus melius sci^ritis
aut poteritis juxta sanas discretion^{es} vestras finaliter
si possis ex assensu p^rium p^rdict determinetis sin au-
tem eandem materias lites & controversias determi-
nare non possit tunc p^rdict R. W. de toto facto in
p^rmiss. certificetis Et tunc damus tibi p^rfat R. potesta-
tatem & auctoritatem p^res p^rdict coram te evocand^o &
diffinitates int^r eos & eorum commission^{is} ad examinand^o
& final^o ordin^{is} libe^r Judicium suum in p^rmiss. faciend^o
Ideo tibi mandamus q^d ad certos dies & loca quos ad
hoc providideritis p^res p^rdict coram te venire fac &
inde certificet p^rdict Commission^{is} audit^oq^{ue} hinc inde
p^rium

Certiorar' ad Curiam Major' secundum Placit'
special'.

Rex &c. Majori Aldermannis & Vicecom' London
& eorum cuilibet salutem Volentes certis de causis
Certiorar' de & sup quadam actione sive quere' in Cur
ria coram vobis seu aliquibus vestrum inter R. D.
Executor test' R. D. defunct ac A. G. Viduam Ad
ministratricem L. D. defunct pro quodam p'tenso de ho
centum marcaꝝ ibm penden Et ideo vobis & cuilibet
v'ro mandamus qd causam p'dicta cu' omnibus ea tangen
quibuscunq nominibus partes p'dict in causa illa
censeantur nobis in Cancellar' nostram in quinden
Pasch prox. futur' ubicunq tunc fuer' sub sigillis v'ris
distincte & aperte mittatis sub sigillis vestris & hoc bre
L. R. &c.

Commis. Oyer & Terminer direct' tribus si non
tunc sibiipso.

Rex &c. Dilectis &c. salutem Cum varie lites &
controversie nuper mot & ort sunt ac in Canc' nostra
adhuc pendent indecis & indeterminat inter J. D. quer'
& C. W. def. ac ptes p'dict p meliori quiete unius cum
altero ac concordiam inter se impofterum habend ex
eorum mutuo assensu & consensu materias p'dict v'ro
final' arbitrio p'fat P. L. pro quer' & R. L. pro de
fendent concessere vestroz in p'missis stare arbitrio &
decret Sciatis igitur qd nos de fidelitatibus & p'vidis
circumspectionibus vestris confidentes in negotiis tam
p'is exequend tenore p'sentiu damus vobis p'fat J. D.
R. & D. tribus vel duobus vestrid quorum unum pro
quer' & unum pro def. duos esse volumus potestatem
& auctoritate inter partes p'dict & eoz testes quoscunq
coram vobis tribus vel duobus vestrum venire faciend
& evocand ac ipsos testes & eorum quemlibet de & super
quibusdam

quibusdam Interrog p ptes pdict seu eorum alterum
vobis exhibend ministrand seu deliberand diligenter
examinand ac materias pdict inter eas & eadem fina-
liter si poterit ex assensu ptium pdict determinand Et
ideo vobis pstat J. P. R. & D. tribus vel duobus vrm
quorum un pro quer & un p def. duos esse volumus
mandamus qd ad certos dies & loca quos ad hoc pros-
videritis apud M. in Com M. conveniatis & assem-
bletis ut ptes pdict inter eorum test' pdict coram
vobis pstat J. P. R. & D. tribus vel duobus vestrum
quorum un pro quer & un pro def. duos esse volu-
mus mandamus qd ad certos dies & loca quos ad hoc
providideritis apud M. in Com M. conveniatis ac as-
sembleatis ac partes predict & eorum testes predict
coram vobis pstat J. P. R. & D. tribus vel duobus vrm
quorum &c. venire fac & evocetis ac ipsos testes ac
eorum quemlibet de & sup Interrogator pdict sup
sacramenta sua coram vobis pstat J. P. R. & D. tribus
vel duobus vestrum quorum &c. p sacrosancta Dei E-
vangel corporaliter pstand diligenter examine Et ex-
aminationesq suas recipiatis ac visis tenor petition
pdict quer in Cancellar nostra exhibet & respons def.
abinde fact necnon depositionibus testium pdict p vos
capt auditq hinc inde ptium pdict rationibus & in-
vicem ppositis ac pponend allegationibus intellectaq
totius rei veritate eadem materias & controversias
omnibus viis modis & mediis quibus melius sciitis
aut poteritis juxta sanas discretionis vestras finaliter
si possis ex assensu ptium pdict determinetis sin au-
tem eadem materias lites & controversias determi-
nare non possit tunc pdict R. W. de toto facto in
pmis. certificetis Et tunc damus tibi pstat R. potesta-
tatem & auctoritatem ptes pdict coram te evocand &
disscates int eos & eorum commission ad examinand
& final ordin sive Judicium suum in pmis. faciend
Ideo tibi mandamus qd ad certos dies & loca quos ad
hoc providideritis ptes pdict coram te venire fac &
inde certificet pdict Commission auditisq hinc inde
ptium

ptium rationibus & invicem propositis & proponendis
allegationibus & intellecta totius rei veritate final or-
dinē inde fac & reddas juxta veritatem cause p̄dictę T. R.
apud Westm̄ &c.

Certiorar' general'.

Causis Certiorari super tenoribus omnium & sin-
gularum loquel' querel' sive actionum quarumcunq;
sint coram nobis in Curia nostra p̄dicta sine brevi
nro secundum consuetudinem ejusdem Cur' versus
W. M. cuiuscunq; sive quorumcunq; sint & quacunq;
causa sive quibuscunq; causis habet fact' mot' sive pen-
dend' vobis mandamus qđ tenor' p̄dict' cum sibus eos
tangend' quocunq; nomine idem M. in loquelis querel'
sive actionibus p̄dict' seu eorum aliqua censeatur no-
bis in Cancellar' nra in octabis sancti Hillarii p̄xor'
futur' sub sigillis vestris distincte & aperte mittatis &
hoc breve T. R. &c.

Injunctio super Brevis de Assisten'.

Rex &c. ac omnibus al' tenend' & firmar' terrar' &
tenementor' p̄missor' in hoc brevi mentionat ac cui-
cunq; al' p̄sone sive quibuscunq; aliis p̄sonis aliquod jus
statum titulum clameum interesse usum sive demand'
de vel in certis terris sive tenementis scituat' facend'
& existend' in Fauson & Colliton in Com' nro Leicestr'
aut in aliquo alio loco in occupatione tui p̄fati
Wougden aut vestrum p̄fat' al' tenend' tui p̄fat' G. J.
aut de vel in aliqua inde pre sive pcella p vel subius
te p̄fat' G. habend' clamand' vel vendicand' & eorum
cuiuslibet salutem Ostens' erat nobis in Cancellar' nra
p̄mo die instantis Julii ex parte Dñe Franciscę
Wozley Wic quer' qđ tu p̄fatus defendens q̄stis in
contempnū nrd dictę Cur' nostre pro non p̄formatione
Decreti cuiusdam coram nobis in Cancellar' nra p̄dict'
inter

inter p̄fat Dominam Franciscam Wortley quer' &
 te p̄fat Georgium Faunt defendent q̄d̄q̄ breve n̄rum
 de Corn ad sequestrandū statum tui p̄fat defendentis
 e dicta Cur' n̄ra em̄it sed q̄d̄ in p̄fat Bougden ac al
 tenen in possessione p̄missorū existen possessionem inde
 p̄fat Commissionar reddere recusastis Nos p̄fat quer'
 quod iustum est in p̄missis fieri volen vobis p̄fat G.
 Faunt ac Bougden ac vobis p̄fat tenen ac firmar ac
 omnibus & singulis ceteris p̄sonis supradictis & v̄rum
 culibet sub pena mille librarum de terris bonis &
 catallis vestris & cuiuslibet vestrum ad opus nostrum
 levandū firmiter injungendū p̄cipimus q̄d̄ reddit p̄mis
 sorum modo aretro existen ac reddit postea crescen
 p̄fat Commissionar ad usum p̄fat quer' p̄solbaris aut
 q̄d̄ a possessione terrarum & p̄missorum tibi p̄fat de
 fend p̄tineā amoveatis & recedatis & quilibet vestrum
 amoveat & recedat q̄d̄q̄ plenam quietam & pacificam
 possessionem eorundem p̄missorū p̄fat Commissionar de
 Sequestratione vel aliquibus duobus vel pluribus eorū
 deliberetis secundum tenorem & veram intentionem
 Commissionis n̄stre p̄dicte Et hoc nullatenus omit
 tatis nec omittat aliquis vestrum quovismodo T. R.
 ꝛc.

Commissio sp̄cial' de Sequestrat'.

Carolus Rex ꝛc. Dilectis sibi ꝛc. J. H. M. G.
 W. D. T. R. & C. F. Gen salutem Cum R. G.
 quer' quanda petitionē suam coram nobis in Cancellar'
 n̄ra versūs Thomā Salter defendent exhibuit Cumq̄
 p̄fat def. cū brevi nostro de Sp̄a ad queremoniā p̄dictā
 comparendū & respondendū debite intervīt sūt ita tamen
 agere omnino recusavit unde versūs eum sp̄cial'
 process. dicte Cur' n̄stre usq̄ ad serviendū ad arma ema
 narunt Acetiam p̄ eo q̄d̄ serviens ad arma Cur' n̄re
 p̄dict p̄fat defendentem nusquam invenire certificabit
 velut p̄ certificāt suam in ea p̄te manifeste apparet
 Sciatis igitur q̄d̄ nos equum & iustum fieri volentes de
 fidei

fidelitat & p̄bōdis circumspectionibus vestris plurimū
 confidē in complemento cuiusdam ordinis dicti Cur
 nostre inter p̄res p̄dict fact gerēd dat &c. dedimus
 vobis tribus vel duobus vestrum plenam potestatem &
 auctoritatem in & sup messuag terr & tenement que-
 cunq p̄dict T. S. accedend ingrediend & intrand ac
 omnia reddit erit & p̄ficua commoditat & emolu-
 ment quecunq messuag terr tenement & hereditament
 & real stat p̄dict T. S. Pecnon om̄d & singul bona
 & catalla quecunq & stat p̄sonal p̄fat S. ubicunq
 inveniri possitis in manus vestras trium vel duorum
 vestrum capiend levand & colligend seu levari capi &
 colligi faciend illaq sequestrand p̄out eadem tenore
 presentium sequestramus Et ideo vobis tribus vel
 duobus vestrum mandamus qd diebus locis & horis
 ad hoc congruis & opportunis ad dict messuag terr te-
 nement & hereditament quecunq p̄fat T. accedatis
 eademq intretis & ingrediamini ac om̄d reddit erit
 & p̄ficua commoditat & emolument quecunq p̄dict
 messuag terr tenement & hereditament ac stat real
 necnon omnia & singula bona & catalla & stat personal
 quecunq p̄fat T. ubicunq invent fuerint in manus
 vestras trium vel duorum vestrum levetis capiat &
 colligatis seu levari capi & colligi faciat Illaq sub
 huiusmodi tuto & salvo sequestro conserbetis & custo-
 diatis donec & quousq p̄fat T. S. querem̄d p̄dict
 direct responderit & pro contempt omnibus suis plenar
 satisfecerit dictaq Cur n̄ra aliter ordinaverit in hac
 parte specialiter Teste meipso apud Westm̄.

Superfedeas Privileg'.

Carolus Rex &c. Universis & singulis Iusticiariis
 Iudicibus Vicecomit Escaetoribus Iudicibus Wallis
 bis Constabulariis & omnibus aliis Officiariis Mini-
 stris & Fidelibus nostris quibuscunq tam infra Li-
 bertates quam extra ad quos p̄sentes Litere n̄re per-
 venerint salutem Cum tam ex dignitate n̄ra Regia &
 pro

progenitorum nostrorum quondam Regum Angl^e quam consuetudine antiqua in Alma Curia Cancellarⁱ nostre ac progenitorum nostrorum a tempore cuius contrarⁱ memoria hominum non existit hactenus obtentⁱ ac approbatⁱ sit; qd^o Cancellarius Angl^e aut Custos Magni Sigillⁱ Angl^e pro tempore existens & alii residentⁱ Officiarii Clerici & Ministri de eadem Curia Cancellarⁱ n^{ost}re ac Progenitorum nostrorum qui presentes & prompti in obsequiis nostris infra eandem Curiam Cancellarⁱ nostre p^{ro} bono publico Regni n^{ost}ri indies deserviunt & inde s^{unt} de hominibus serviendⁱ terris tenementⁱ rebus bonis & catallis suis liberi & quieti esse debeant ac temporibus retroactis esse consueverunt iuxta privilegⁱ & libertat^{em} Curⁱ Cancellarⁱ nostre p^{re}dictⁱ Necnon ad comparand^{um} & respondend^{um} coram aliquibus Iudiciariis Iudicibus Officiariis aut Ministris nostris secularibus quibuscunq^{ue} p^{re}terquam coram Cancellarⁱ Angl^e seu Custode Magni Sigilli Anglie qui pro tempore fuit super aliquibus p^{re}litis querelis transgressionibus seu demandⁱ quibuscunq^{ue} personam nostram non tangunt (p^{re}litis de libero tenemento felonis & appellis duntaxat exceptⁱ) aut ratione alicujus summonicion^{is} sive impannellacion^{is} de vel in aliquibus Assizis Juratⁱ seu Recognitionibus coram eisdem Iudiciariis Iudicibus Officiariis vel Ministris capiend^{um} aut ad aliquod officium Collectoris subsidii decimar^{um} & quintar^{um} decimar^{um} Guardian^{um} Ecclesie Constabular^{um} Supp^{re}visorum p^{ro} pauperibus sive ad vigiland^{um} vel wardend^{um} sive aliqua alia officia servicⁱ seu attendend^{um} alibi quam in Curⁱ n^{ost}re p^{re}dictⁱ exercend^{um} p^{ro} qua e dicta Curia n^{ost}ra retrahi possint contra voluntat^{em} suam trahi vel compelli arrestari implacitari imp^{re}sonari elegi seu onerari non debeant quovismodo nec aliquibus temporibus retroactis consueverunt Que quidem consuetudo privilegⁱ & libertat^{em} in Parlamento Domⁱ Edwardi nuper Regis Anglie tertii progenitoris n^{ost}ri apud Westm^{onasterium} Anno Regni sui decimo octavo tenet^{ur} per ipsum Regem ac per Comites & Barones suos ac per alios in dicto Parlamento existens acceptⁱ fuer^{it} & approbatⁱ

approbat p̄out p̄ indor̄ament̄ cū iudic̄ petitionis coram ipso Rege inde in dicto Parlamento exhibet & in Rotul̄ eiusdem Parliamenti irrotulat̄ plene liquet Et quia J. P. unus Clericor̄ C. D. Armiḡ unius sex Clericor̄ Cane n̄re p̄dict̄ existit Nos consuetudinē & p̄vileḡ p̄dict̄ erga & penes ipsam J. P. corroborantes & gratificantes ac illi ei ad quod benefic̄ causa p̄dict̄ de jure est spectans inviolabil̄ ut p̄dict̄ est observari necnon firm̄ & plenarie approbati volentes vobis & cuilibet vestrum mandamus & firmiter injungend̄ p̄cipimus q̄d ipsam J. P. contra tenorem libertat̄ & p̄vileḡ p̄dict̄ non molestetis seu gravetis nec ad compend̄ vel respondend̄ coram aliquibus Justiciariis Iudicibus Officiariis vel Ministris secularibus quibuscunq; p̄terq̄m coram Cancellariis n̄ro Angl̄ seu Custod̄ Magni Sigilli Anglie qui p̄o tempore fuit super aliquibus p̄litis queret̄ transgress̄ seu demand̄ que p̄sona n̄ram non tangunt (p̄litis de libo tento felonis & appellis duntaxat except̄) nec ratione alicujus summonitionis sive impannellationis compellatis nec eorum aliquis compellat quovismodo nec in aliquibus Assisis Juratis seu recognitionibus coram p̄fat̄ Justiciariis Iudicibus vel al̄ Officiariis vel Ministris quibuscunq; capiend̄ nec in aliquo officio Collector̄ subsidii decimar̄ quincar̄ decimarum Guard̄ Ecclesie Constabular̄ Supervisoris viar̄ vel Collector̄ p̄ pauperibus ponatis nec eligatis Reḡ ipsum ad vigiland̄ wardand̄ vel ad aliquod aliud officiu servie aut attendend̄ alibi quam in Cur̄ n̄ra p̄dict̄ faciend̄ aut exercend̄ compellatis aut compelli faciat̄ quovismodo Et destructionem siquam eidem J. D. ea occasione feceritis seu aliquis vestrum fecerit illi ei sine dilatione relaxetis & vestrum quilibet relaxet Ita q̄d ipse p̄dict̄ J. inde p̄ vos vel aliquem vestrum contra tenorem libertat̄ & p̄vileḡ p̄dict̄ vel in aliquo p̄missor̄ non molestetur seu in aliquo gravetur nec ab aliis quantum vos obstat̄ poteritis ipsum molestari seu gravari permittatis quovismodo Teste Rege &c.

Superfedeas super Commissionem ad examinand'
Testes.

Rex dilecto & fideli suo Johi Domino Darcy ac
Dilectis sibi G. F. M. T. & T. R. Armig saluam
Licet nos nup p breue nrnd assignauimus vos tres vel
duos vestrum ad quoscunq testes super quibusdam In-
terrogator in dicto breui nostro inclus p pte W. W.
quer versus R. M. & J. F. defendentes ac qd vos
examination testium pdict nobis in Cancellar nostra
ad certum diem in dicto breui nro mentionat sub sigil-
lis vestris trium vel duorum vestrum distinde & apte
mittatis prout in eodem breui nostro plenius contine-
tur Quibusdam tamen certis de causis nos ad plens
specialiter mouend vobis precipimus qd in executione
dicti breuis nostri p vos tres vel duos vestrum ultes-
rius fact vel faciend minime pcedatis sed inde super-
sedeatis omo dicto breui nostro vobis prius in con-
trarium direct non obstant T. R. &c.

Commissio ad proband' Sacramentum esse falsum
in eo quod Defend' impotens est ut non potuit
comparare in Cancellar' ad resp' Quer'.

Rex &c. dilecto & fideli suo D. Dno S. John de
Bletsoe ac dilect sibi Rodovico Dyer R. R. & R. D.
Armig salutem Cum nup in Curia Cancellar nostre
ex parte J. G. Militis relatum fuit & suggestum erat
p sacramentum cuiusdam R. L. qd prefat J. G. in
Crastino sancti Martini ult pterit ita laborabit ad-
versa valetudine & adeo impotens sui extitit qd usq
dictam Cur nostram Cancellar pdict ad diem illum ad
respons suam petitioni R. G. Armigeri fiend absq
maximo corporis sui periculo non sufficebat Et nos
veritat expiscari & investigari volentes ut tutius & con-
sultius p facienda Iusticia in hac parte procedere va-
leamur

leamur ut p vos certiorari volumus dedimus vobis igitur
 tribus vel duobus vestrum ac per presentes damus
 potestatem & auctoritatem scrutandi inquirendi & investi-
 gandum tam super Articulis & Interrogatorum per ante-
 dictum R. G. coram vobis tribus vel duobus vestrum
 deliberandum & ad testes quoscunque ministrandum quos
 maxime preteritu premissorum fore videritis neces-
 sari coram vobis evocandum Ac ipsos testes & eorum quem-
 libet tam de & super Articulis predictis cum cause cir-
 cumstantiis diligenter examinandum examinationesque suas
 in scriptis redigendum quam omnibus aliis viis modis &
 mediis quibus melius scriberitis seu poteritis utrum
 prefatus J. G. ita languidus fuit ad dictum diem Crastinum
 sed Martinum quod absque periculo sui corporis laborare mi-
 nime potuit Et ideo vobis tribus vel duobus vestrum
 mandamus quod visis presentibus ac tenore Articulorum
 & Interrogatorum predictorum prefatus Reginaldo ministrandum
 & per vos plene intellectis testes predictos quos in hac
 parte ut predictum est fore videritis necessarios evo-
 cetis coram vobis tribus vel duobus vestrum ad cer-
 tos dies & loca quos ad hoc provideritis venire facia-
 tis ac ipsos & eorum quemlibet de & super veritate
 premissorum super eorum sacramentis coram vobis
 corporaliter prestando diligenter examinetis Examina-
 tionesque suas recipiatis & in scriptis in pergamento
 redigatis Et cum tunc sic feceritis nos in Cancellaria
 nostra de omni facto vestro in hac parte in Octabis
 sancti Hillarii proxime futuris ubicunque tunc fuit sub
 sigillis vestris trium vel duorum vestrum clausis dis-
 tinguere & aperte mittatis & reddatis nos certiores una-
 cum hoc brevi R. G. &c.

Commissio Vic' pro possession' donec materia deter-
minatur.

Rex &c. Vñc hanc salutem Cum per quandam
ordinacionem fact in Cancellar nostra tertio die Julii
ult preterit inter W. A. quer & W. P. & al' defen-
dentes Ordinac fuit qd p'dict W. A. & Assignati sui
pacifice & quiete haberent gauderent & occuparent unid
messuagium sive tenement cum pertind facend & existend
in E. & R. in Comd p'dict inter partes p'dict in Curia
nostra p'dict in controversia dependend indecisa absq
veratione molestacione sive interruptione p'dict W. A.
sive aliquarum psonarum claman sub titulo interesse
jure vel procuracioni suis donec materia inter partes
p'dict in Curia nostra p'dict finaliter determinetur Et
quia Nos ex testimonio fide dignorum accepimus qd
diverse alienigine ignote inhabitant extra Comit hanc
per procuracioni p'dict defend ut asseritur possessionem
messuagii & tenement p'dict cum pertind vi & armis
ac manu forti tenent in defraudacionem & contemptu
Ordin p'dict ac ipsum W. A. & assignatos suos extra pos-
sessioni messuagii & tenenti p'dict custodiunt contra for-
mam & effectum ordinis p'dict Tibi igitur p'cipimus
qd immediate post receptionem hujus brevis assumpit
tecum sufficient potestati Comitatus nostri Cane p'dict
in propria psona tua ad messuag p'dict sive tenement
accedas & attachiari & arrestari facias quascunq psonas
ibm inveneris possess. messuag sive tenement p'dict
sive alicujus inde parcel tenentes & eos & eoz quem-
libet de die in diem duci facias usq prisonam nostram
de le Fleet Guardian nostro ibm deliberand & ibm
moratur quousq de eoz deliberacioni aliter duximus or-
dinand ac ulterius tibi p'cipimus firmiter injungend qd
inde p'dict W. A. & assignatos suos in pacifica & quiete
possessioni ejusdem de tempore in tempus manuteneas
donec aliter inde a nobis habueris specialiter in man-
datis Et quid inde nobis facias scire feceris &c. R. &c.

Commissio ad examinand⁹ Testes in perpetuam
rei memoriam.

Reverend⁹ J. S. salutem Cum A. B. exhibuit coram
nobis in Cancellar⁹ nostra quandam petitionem ut
quidam testes in perpetuam rei memoriam versus te
examinarent Et ne tibi in p^{re}judicium cederet Tibi
p^{re}cipimus firmiter injungentes q^{uo}d omnibus aliis p^{re}ter
termillis & exculacione quacunq^{ue} cessante in propria
persona tua vel p^{ro} tuum Attornatum aut Deputat⁹ sis
coram nobis in Cancellar⁹ nostra infra quatuordecim
dies immediate post receptionem hujus brevis, Teste
R. &c.

Commissio ad recipiend⁹ Responson⁹ & ad exami-
nand⁹ Testes & audiend⁹ & determinand⁹.

Reverend⁹ Dilecto sibi A. T. & R. S. Armis salutem
Cum A. B. quandam petitionem coram nobis in Can-
cellar⁹ nostra versus R. C. nuper exhibuit Adq^{ue} ei-
dem R. per breve nostrum p^{re}cipimus q^{uo}d esset coram
nobis in dicta Cancellar⁹ nostra ad certum diem jam
p^{re}terit sub certa pena in dicto brevi nostro contenta
petit⁹ p^{re}dict⁹ responson⁹ Sciatis q^{uo}d assignabimus vos ac
tenore p^{re}sentium damus vobis vel uni vestrum po-
testat⁹ & authoritat⁹ responsonem p^{re}fat⁹ R. ad peticionem
p^{re}dict⁹ recipiend⁹ & in scriptis in pergamento redigend⁹
& quoscunq^{ue} testes de & super materia in petitione &
responson⁹ p^{re}dict⁹ content⁹ examinand⁹ ac eandem mate-
rias iuxta sanas discretiones vestras aut unius v^{est}ri
audiend⁹ & finaliter determinand⁹ Et ideo vobis man-
damus q^{uo}d viso tenore petitionis p^{re}dict⁹ quam vobis mit-
timus p^{re}sentibus interclus⁹ p^{re}fat⁹ R. coram vobis vel
uno vestrum venire faciatis Ac responsonem suam
petitioni p^{re}dict⁹ in forma p^{re}dict⁹ fiend⁹ super sacramen-
tum suum recipiatis & in scriptis redigatis necnon
testes p^{re}dict⁹ coram vobis vel uno vestrum ad certos
dies

dies & loca quos ad hoc provideritis coram vobis venire faciatis & evocetis ac ipsos & eorum quemlibet de & super veritate petiti & responsionis predictae ac super articulis omnibus & singulis premissa qualitercunque concernent super eorum sacramentum corporaliter prestando diligenter examinetis Examinationesque suas recipiend & in scriptis redigend Et cum eas sic ceperitis eandem materiam partibus ad id vocatis visisq; eorum scriptis & auditis hinc inde earum rationibus & allegationibus omnibus viis & modis & mediis quibus melius sciveritis aut poteritis vel unus vestrum sciverit aut poterit iuxta sanas discretionem vestram vel unius vestrum finaliter determinetis vel unus vestrum determinet Sin autem nos de omni eo quod inde feceritis vel unus vestrum fecerit in Cancellaria nostra sub sigillis vestris vel unius vestrum in quinden sancti Michaelis proximo futur ubique tunc fuit distincte & apte reddatis certiores hoc esse unicum petitione responsionis & testium examinationibus predictis nobis remittentes T. R. &c.

Commissio ad audiend & determinand materiam in pet & respons & ad examinand testes.

Rex &c. D. C. salutem Quia de & super veritate queremoniam in quadam petitione coram nobis in Cancellaria nostra per C. T. versus J. R. & alios nuper exhibuit content ac de & super veritate in quadam responsione per partes predictas in hac parte facta & in eadem Cancellaria similiter exhibuit necnon de & super omnibus articulis & circumstantiis queremoniam & responsionem illam concernent ut tutius & consultius pro Iustitia in eisdem exhibendis procedere valeamus vobis de quorum fidelitatibus & probis circumspicionibus plene confidimus dedimus vobis vel duobus vestrum plenam potestatem & auctoritatem audiend & examinand materiam in petitione ac responsione ac &c.

Commis. ad recipiend' Computa & Libros.

Rex &c. Dilecto & fideli suo Edmō Leach Mil ac dilecto sibi Thome Leach Legum Doctori in Cur' Cancellar' nostre Magistrozū duobus salutem Cum quidam &c. Sciatis &c. auctoritat' Compā inter pres p̄dict super tota materia inter ipsos in controversia reddend' capiend' & calculand' necnon omnes tal' libzōs & notas compī qual' partes p̄dict p̄dixerint coram vobis vel uno vestrum super sacramenta sua per sancta Dei Evangel' coram vobis vel uno vestrum p̄stand' capiend' eisdemq; vident' p̄legend' & considerand'. Ac ut iutius & consultius in p̄missis procedere valeatis vel unus vestrum procedet. Damus vobis vel uni vestrum potestatem & auctoritatem testes quoscunq; & eoz quemlibet per se separatim de & super huiusmodi questionibus &c. examinand'. Et ideo vobis vel uni vestrum mandamus qđ ad certos dies & loca quos ad hoc p̄bideritis vel unus vestrum p̄biderit pres p̄dict ac testes suos p̄dict coram vobis vel uno vestrum venire fac' & evocetis ac libzōs & notas compī & examinationes testū sup compā p̄dict videatis p̄legatis & consideratis ac vos vel unū vestrum libzōs notas compī & examinationes testū p̄dict compā p̄dict sup tota materia inter pres p̄d in controversia capiat' calculetis & recipiat' aut unus vestrū capiat' recipiet & calculet facien' in p̄missis juxta directionem trium separāt ordin' dicte Curie nostre inter pres p̄dict fact' quozum unus gerit dat' &c. alt' &c. die &c. alt' vero &c. quozum etiam separāt tenor vobis mittimus p' latozem plene. Et cum sic feceritis aut unus vestrū fecerit tunc nos de toto fact' & p̄gressu vestris vel unius vestrū in p̄missis sub manibus v̄rum vel unius vestrum in dict' Cancellar' nostram sine dilatione ubicunq; tunc fuer' reddatis vel unus vestrum reddat certiores hoc h̄bebe nobis tunc etiam remittend' ut ulterius inde fieri faciamus quod de jure fuit faciend'.
L. R. &c.

Ba'

Bal' Privileg'.

Memorandum qđ decimo octavo die Januarii Anno Regni Domini nri Caroli secundi Dei grā Angl' Scoe ꝛc. Regis vicesimo tertio Robtus Angel de Civitat' Westm' Armig' Jacobus Medlicot de Paroch' scđ Petri Pauls' Wihart London' Dyer venerunt coram dicto Domino Rege in Cancellar' sua personaliter constitut' ac manuceperunt pro Johanne Townsend de Wemble in Com' Wiltes' Clerico (viz.) Quilibet eor' sub pena ducentar' librarum Ac idem Johannes Townsend assumpsit pro seipso sub pena quadringent' librarum quas ipse solvet seu solvi faciet Thome Husley Armig' Prothonotar' dicte Cur' Cancellarie nostre omnes tal' pecun' sumas quas p'dict' Tho. Husley recuperabit versus p'dict' Johannem Townsend in secta sua in p'lito transgressionis super casum quas quidem separales summas ducent' librar' que manucaptor per se ac dict' summam quadringent' librar' p'dict' Johannes Townsend concesserunt de terris & catallis suis ad opus & usum ipsius Tho. Husley levari si idem Johes Townsend non satisfecerit p'fat' Thome Husley tam de damnis quam de custag' eidem Thome adjudicand' in forma p'dict' ac iidem manucaptor corpus p'dict' Johis Townsend in Curia Cancellar' p'dict' habeant die ꝛc. prox. ꝛc. ubicunqꝫ ꝛc. Et sic de die in diem quousqꝫ ꝛc.

Injunctio super Relation'.

Nos ad hec considerationem habentes ac pro eo qđ E. S. in Cancellar' nostra Magistrozum unus super debita consideration' premissorum nobis in Curiam nostram p'dict' certificabit inforimatione p'dict' eas tenus in substantia veram esse ut p'dict' quer' meruit in equitate breve nrm de Injundione ad restringend' omnem prosecutionem vestram ad communem legem velut per eandem relationem gerend' dat' ꝛc. die ꝛc.

358 Process and Proceedings in Chancery.

ac penes Registrarium dicte Curie nostre resident plenius liquet & apparet.

Aliter.

Nos ad hec considerationem habentes ac pro eo quod E. S. Wile in dicta Cancellaria nostra unus Magistro super debita considerationem premissorum per ipsum habita tam querimoniam quam responsionem present nobis in eandem Curiam nostram debite certificavit informationem predictam in substantia veram esse sicut per relationem inde gerentem datam etc. die etc. ac penes Registrarium Curie nostre present plenius liquet & apparet Nos tamen ad hec quam ad antiquitatem obligationis predictam considerationem habentes Ac pro eo quod prefatus def. hujus nostrum de Dedimus Potestatem etc. Tibi etc.

Judicium obtentum Verdictum.

Obi super tractatione ad communem legem haberi heredes cum fuit obtentum super obligatione predictam Attamen quod Judicium superinde intrare vel postulare desistas & quilibet vestrum desistat donec vos prefatus def. querimoniam predictam responderis etc.

Nos ad hec considerationem habentes pro eo quod nihil in contrarium premissorum nobis in Curia nostra predicta ex parte tui prefatus A. B. per diem tibi pinde per eandem Curiam nostram nuper assignat & limitat nec hucusque monstrat est aliqualem etc.

Injunctio pro possessione.

Personam cuiusque et persone sive quibuscunque personis aliquod jus statum titulum clamedum usum possessionem interesse vel demandum de vel in aliquibus illis messuagiis terris tenementis & hereditamentis scituat faciem & existentem in C. & A. mentionat & specificat in quadam

quadam queremoniā A. L. quer' coram nobis in Cancellar' nostra versus eos p̄fat' D. & M. exhibet aut de vel in aliqua inde parte vel parcella p̄ vel subter vos p̄fat' def. seu vestrum alterum habendū clamū vel vendicandū & eorum culibet salutem &c.

Nos ad hec &c. ac pro eo qđ dictus quer' invenit securitatē ordinē Curie Cancellar' nostre p̄dict' astare sup' auditu ejusdem velut p̄ certificationem ea in parte confect' liquet manifeste Et quia nihil in contrarium inde ex parte p̄dict' def. per diem p̄tinde limitat' fuit offens' sicut patet per certificationem &c. Regr.

Infungend' precipimus qđ p̄dict' quer' plenā quietam & pacificam possessionem p̄dictorum p̄missorum & cuilibet inde partis & parcellę in tam amplis modo & forma p̄tout eadem tempore exhibitionis queremoniā p̄dict' per spatium trium annorum habuit &c. p̄tantea deinceps habere tenere uti frui & gaudere permittatis & vestrum quilibet p̄mittat absq' ullo omnino impedimento sive interruptione quacunq' vestrum def. & ceterarum personarum supradict' donec aliter corā nobis in dicta Cancellar' nostra fuit in contrarium ordinat' in hac parte specialiter Et &c.

Non arare nec arbores discindere.

Firmiter infungend' &c. qđ dictas antiquas terras pastur' arare & arbores superinde crescent' (plusquam necessar' duntaxat except) prostrernere vel discindere vel aliqua vasta super dicta p̄missa facere sive perpetrare desistatis & quilibet vestrum ab hinc penitus desistat donec vos p̄fat' def. dict' queremoniā responderitis & dict' Cur' Cancellar' n̄re aliter ordinabit in contrarium inde in hac pte specialiter in discind' certis sylvis coppice.

Pec aliquas arbores Maheremsi sup' dict' p̄missa prostrernere sive desecare unde ex iusta querela quer' antedict' dies dat' sunt tibi p̄dict' def. ad ostendendū causam vel in illius defectu dicta prosecutio tua versus R. R. in dict' Cur' erat restrict' Ad quod tempus scilicet

hodierna die tu p̄fat def. adtunc essens in Cur ac
causam ostenderis que eidem Cur nostre minime sa-
tisfaciebat T. R. &c.

Vasta in discind?

Super partem terrarum quam magna vasta & spolia
p̄petrat in discind diſſas arbores de maheremio ibm
plures earund discindend comittas &c. Nōq aliquas
plures arbores maherend super dicta p̄missa assai &
crescend discind p̄osternere sive effodere vel aliqua vasta
supinde facere p̄petrare seu committere &c.

Non arare pasturas antiquas.

Aut huiusmodi arbores que jam decis & p̄strat
sunt exinde eradicare sive asportare evehere seu abſca-
riare aut aliquas arbores maherend ut supra ad dictas
antiquas pastur.

Trial?

¶. Dedimus vobis tribus &c. ad exitus p̄dict jam
sit junct vobis p̄fat &c. ad triationem p̄dict p̄cedere
licebit ac Iudicium antea supinde reddit p̄cedere cessare
& relinquere sub pena p̄dict vobis firmiter injun-
gend p̄cipimus Et hoc &c.

Aliter.

Ac si tu p̄fat def. pro triation huius p̄por. Assis
paratus es in eadem p̄cedere tibi p̄fat def. lices-
bit vero Iudicium vel executionem petere postulare
intrare emanare desistas & quilibet vestrum desistat
aliunde autem qđ ab omni p̄secutione &c.

Ad

Ad ponend' in possession'.

Tibi igitur precipimus qđ a possessione p̄dictorū p̄missorū recedes & amoveas eandemq; possessione p̄dictā quer' deliberes seu deliberari fac' dictumq; Quer' talem possessionem quiete & pacifice habere tenere uti frui & gaudere pmittas &c.

Injunctio super Sentenc' Custod' pacis per Ordinationem Parliament'.

Rex &c. Ac Consiliar' Attornat' Solicitat' & Agentibus suis quibuscunq; & eorū cuilibet salutem Ostens' est nobis in Curia Cancellar' nostre decimo octavo die instant' mensis Maii ex pte Hugonis Whitney Nūcum eidem quer' p quendam queremoniā suam coram nobis in Cancellar' nra nūp exhibi' versus vos p̄fat' C. & T. def. sibi adhiberi petiverit contra quandā sententiam per custodes pacis Comitatus scard' & vīdam concernēd' decimas iuxta ordinationem Parliament' ea in pte scard' nihilominus tamen vos p̄fat' def. p̄sent' quer' prosequemini super sen tentiam p̄dictam p p̄dictos Custodes Pacis factam minus iuste ut accepimus nos ad hęc considerationem habentes vobis igitur p̄fat' &c. sub pena &c. firmiter injungend' precipimus qđ ab omni ulteriozi prosecutione quacunq; de vel sup sentenc' p̄dict' desistatis & quilibet vestrum desistat Et hoc sub pena p̄dict' &c.

Commissio super relac' ad examin' Testes.

Rex &c. Dilectis &c. in Cancellar' nostra Magist'ris salutem Cum in quadam materia litis & controversie coram nobis in Cancellar' nostra dependēd' inter &c. & def. calculato comp̄ inter partes p̄dict' reddend' Commissa & demandata sint tibi p̄fat' Edmō Salter M̄r p quendam ordinem in eadem Curia nostra inter ptes p̄dict'

Pōict nuper fact & reddit gerend dat vicesimo die No-
 vembr' ult pterit Cumq; etiam p quendam posteriorem
 ordinem in Cur' pōict inter partes pōict nuperime
 confect gerend dat secundo die plentis Julii cu pstat A.
 R. additus & associatus sis tibi pstat C. S. pōict ac p eun-
 dem ordinem ulterius ordinat est qd vos pstat Ma-
 gistri Curie nostre pōict pcederitis in materia pōict
 juxta tenorem quorundam sepāt pīorū ordinū inter
 partes pōict similiter fact & reddit ac in eodem ordinē
 mentionat & specificat velut per ordinē illū appet
 Sciatis igitur qd nos &c. Damus vobis auctoritatē &
 potestāt quandam relationem per se pstat C. S. pōict in
 materia pōict nuper antehac confect ad in dicto ulte-
 riori ordinē mentionat inspiciendi revivendi & consi-
 derandi ac superinde procedendi juxta tenorem omnium
 & singulorū ordinū pōict Et ideo vobis mandamus
 &c. partes pōictas & aliquos alios quoscunq; qui vobis
 vīs firmiter conductibīl coram vobis venire faciatis &
 evocetis Ac in dictis pmissis ulterius procedatis &
 progrediamini juxta veram intentionem propositum &
 directionem tam pōict ordinis gerend dat &c. quam
 cūdozum pīorū ordinū referent superius specificat
 & in eodem ordine mentionat ac ut citius & consultius
 in pmissis procedere & progredi valeatis Volu-
 mus insuper qd vos pstat Magistri tam partes pre-
 dictas quam aliquos alios quoscunq; de & super om-
 nibus articulis sive demand que ad veritat in comp
 inter ptes pōict reddend aliisq; materiis in differentia
 inter ipsos dependē Illustrand necessar fore existimave-
 ritis super sacramenta sua p sacrosanta Dei Evangel
 corporaliter pstant diligenter examinetis Et quic-
 quid aliud dicta pmissa aliquoaliter concernend juxta
 sanas prudentias & discretionēs vestras executatis &
 exploretis pout videbitur necessar & convenientē sciri
 inde secundum ordinē predictorum directionem & in-
 tentionem ac superinde nos de toto facto & progressu
 vestris in pmiss. in Cancellar' nra pōict sine dilatione
 &c. ubicunq; tunc fuit sub sigillis vestris trium vel
 duorum

duorum vestrum clausū distinde & aperte mittatis una-
cum tenore & hoc brebe L. R. &c.

Commissio ad examinand' testes ad locum & diem
certum de valore Bonorum & Catallorum.

Rex &c. Dilecto & fideli suo R. B. Mil ac dilectis sibi
J. D. & P. S. Armig salutem Sciatis qđ nos de
fidelitat & providis circumspectionibus vestris pluris-
imum confidentes assignabimus vos ac tenore presentium
damus vobis vel duobus vestrum plenam potestatem &
authoritatem inquirendi tam per depositiones quo-
rumcunq; testium coram vobis producend & examinandi
quam alio quocunq; modo ad libitum vrum que bona
& catalla fuerunt J. D. Gen sive alterius cujuscunq;
remanend infra domum mansionat sive firmam de C. C.
in Comitatu Droni quo tempore Ro. Bi. possessionem
eiusdem domus sive firme nactus sit infra eandem do-
mum & firmam pdict existentia adunc fuerint & exis-
terint Damus etiam vobis vel duobus vestrum po-
testatem & authoritatem testes quosdam quorū sepalia
nota in quibusda Interrog presentibus intels ac eisde
testibus separaliter proponend inserta apparebunt de
& super eisdem Interrog diligenter examinand Et
ideo vobis mandamus qđ ad certos dies & loca quos ad
hoc prohiberitis testes pdict ac alios quoscunq; quos
maxime p testification veritatis fore videritis necessar
& oppozunos coram vobis vel duobus vestrum venire
faciatis & evocetis ac ipsos & eorum quemlibet tunc &
ibidem tam de & super pleno & iusto valore omnium
& singulorum bonorum & catallorum pdict qnd de &
sup Interrog pdict sup sacramenta sua p sacrosancta
Dei Evangel coram vobis vel duobus vestrum corpo-
raliter pstand diligenter examinetis Examinacionesq;
suas sup eisdem recipiatis & in scriptis in pergameno
redigat Et cum eas sic ceperitis nos inde ac de omni
eo quicquid pro melior cognition pmissorum feceritis
vel duo vestrum fecerint in Cancellar nostra in octab
santi

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sancti Michaelis prox. futur' ubicunq; tunc fuerit sub
sigillis vestris trium vel duorum vrum claus' distinde
& apte reddatis certiores remittend' nobis Interrogator'
pdict' unacum hoc brevi T. R. &c.

Commissio ad supervidend' & Restringend' vasta.

Rex &c. Dilecto ac fideli suo Wilmo P. Mil' ac Di-
lectis sibi W. W. & T. R. Armiger' salutem Sciatis
qđ nos de fidelitat' & pvidis circumspeditionibus vestris
plenius confidentes assignavimus vos ac tenore pre-
sentium damus vobis plenam potestatem & auctoritas-
tem audiend' & examinand' quandam materiam in qui-
busdā articulis versus pstat def. annex. content' & spe-
cificat' & eandē materiam juxta sanas discretionēs vras
finaliter si poteritis determinand'. Et ideo vobis man-
damus qđ ad certos dies & loca quos ad hoc probideritis
ad quoddam vastum vocat' Black-Down super M. in
Com' S. in articulis pdict' specificat' personaliter acce-
datis vastumq; illud supervideatis ac tam per deposi-
tiones testium quam aliis vris modis & mediis quibus
melius scriberitis aut poteritis diligenter inquirat quan-
tum inde ad manerium de B. & quantum inde ad ma-
nerium de W. in Com' pdict' pertinere debeat & su-
perinde bundas metas limites & divisas inter unum &
alterum & quantum ad unū & quantum ad altum ma-
neriorum pdict' pertind' vobis constare poterit poni fas-
ciatis & limites examinationesq; testium pdict' reci-
piatis ac in scriptis redigatis omnesq; alias depositiones
testium antehac examinatas ac etia scripta recorda tran-
scripta territoria chartas & alias evidēcias quascunq;
per partes in articulis pdict' specificat' coram vobis
exhibend' accipiat' & inspiciat'. Et super tot mate-
ria in articulis pdict' specificat' juxta sanas discretionēs
vestras finaliter si poteritis determinetis. Sin autem
nos in Cancellar' nostr' de omni eo quod inde feceritis
in quindē sancti Michaelis prox. futur' ubicunq; tunc
fuerit

fuert sub sigillis vestris trium vel duorum vestrum
clausū distinde & aperte reddatis certiores remittentes
nobis articulos p̄dict unacum p̄sentibus Teste &c.

Special' Commis. ad deliberand' possession' terrarum,
&c. super Decret' in Cancellar'.

Item &c. Wic Suthon pro tempore existend' & futur'
salutem Cum p quoddam finale Iudicium sive Decret'
coram nobis in Curia Cancellar' nostre nuper fact in-
ter S. B. quer' & S. W. defens' gerend' dat decimo
nono die Martij Anno Regni nostri vicesimo secundo
ordinat' adjudicat' & decret' sit (inter alia) qđ p̄dict
quer' heres & assignati sui medietatem cuiusdam do-
mus sive Meluagii cum pertinentiis scituat in P. in dict'
Com' nostro S. sibi p quandam certificationem in dict'
Decreto mentionat' seposuit in tam amplis modo &
forma prout eadem medietas domus & meluag' p̄dict p
certificationem p̄dict seposita & divisa esset versus p̄dict
quer' heredes & assignat' suos ac omnes p vel subter
ipsum clamand' haberent tenerent & gauderent juxta
tenorem cuiusdam ordinis sive Decreti super auditu
materie inter partes p̄dict fact Cumq; p̄dict def. cum
breui nostro de Injunctione pro possessione p̄missorum
in complement' Decreti p̄dict emanat' debite inserbit'
fuit eidem tamen obtemporare omnino recusavit
Sciatis igitur qđ dedimus tibi plenam potestatem &
authoritatem ad & in p̄dict medietatem domus sive
meluagii cum pertind' p̄dict sic ut p̄fertur p Decret'
p̄dict dicto quer' adjudicat' & decret' & sibi p certifica-
tionem p̄dict seposuit & limitat' accedendi intrandi & in-
grediendi Ac quamcunq; personam sive qualcunq; per-
sonas possessionem medietatis domus sive meluagii
p̄dict contra tenorem Decreti p̄dict detinend' a posses-
sione ejusdem efficiendi & amovendi dictumq; quer' he-
redes & assignat' suos in plena quiete & pacifica pos-
sessione p̄dict medietatis domus sive meluagii cum
pertind'

pertinē & cuſuſlibet inde partis & parcel ponendi locandi ſtabiliendi & conſervandi Et ideo tibi mandamus qđ immediate poſt receptionem huius hzebis noſtri ad medietatem domus vel meſſuaĝ p̄dict ſic ut p̄fertur p̄ dictum Decretum p̄ſat quer' adjudicat & ſibi p̄ diſiſionem p̄dict ſepoſit & allocat ac in eadem diſiſſione ſive certificatione particulariter nominat & expreſſ accedas ac ſi neceſſe fuit intretis & ingreditis ac quamcunq; perſonam ſive qualcunq; perſonas poſſeſſionem iſum contra tenorem Decreti p̄dict detinend ſine dilacione efficias & amoveas Ac plenam quietam & pacificam poſſeſſionem p̄dict medietatis domus ſive meſſuaĝ p̄dict cum pertinē ſic ut p̄fertur p̄dict quer' adjudicat ſepoſit & limitat ac cuſuſlibet inde partis ſive parcellle in manus tuas capias recipias talemq; poſſeſſionem ſic p̄ te captam & habitam p̄dict quer' & assignat ſuis deliberes indilate Iplumq; quer' teneid & assignd ſuos in huiusmodi plena & quiete & pacifica poſſeſſione dict medietatis domus ſive meſſuaĝii p̄dict cum pertinē ſuis ut p̄fertur dicto quer' adjudicat & ſepoſit & cuſuſlibet inde partis & parcellle de tempore in tempus toties quoties interruptio quebis illat fuit aliquanlit tnearis & conſerves ſeu conſervi facias juxta tenorem Decret p̄dict Et hoc nullanus omittas quovismodo Teſte &c.

Commiſſio ad examinand' teſtes in perpetuam rei memoriam.

Rex &c. Dilectis ſibi C. J. Armig' H. C. Armig' R. H. J. S. C. C. & W. C. Gen ſalutem Licet nobis per breve noſtrum de debimus poteſtatem teſtes examinandi e Cancellar' nra emanand nuper assignavimus vos tres vel duos veſtrum ad teſtes quolcunq; de & ſuper quibuſdam Intert' tam ex parte S. P. Armig' & Dñe R. B. ux. eſus quer' quam ex parte C. W. & B. def. ſeu eorum partium alterius vobis tribus vel duobus veſtrum teſtes p̄dict examinare examinationeſq;

nationesq; suas nobis in dictam Cancellar' nostram sub sigillis vestris tribus vel duobus vestrum mittere ad certum diem in dicto hzebi nostro content' prout in eodem hzebi plenius continet. Quibusdam tamen certis de causis nos ad presens specialiter movend' vobis & cuilibet vestrum firmiter injungend' precipimus qd in executione dicti hris nrd de Commissione p vos tres vel duos vestrum ulterius fact' sive faciend' minime procedatis sed inde omnino supersedeatis dicto hzebi nostro prius vobis in contrarium direct' non obstant' Teste &c.

Breve de executione ordinis decretal'.

Rex &c. T. H. Cum per quoddam finale Judicium hve Decret' coram nobis in Cancellaria nostra nuper fact' inter A. P. & C. ux. ejus quer' & te p'fat' T. H. p'fat' def. ordinat' & decret' sit qd tu p'fat' def. solvas p'dict' quer' summam centum & quinq; librar' unius solidi & quatuor denar' sicut per p'dict' Decreti scriptu- lament' in dicta Cancellar' nra de Recordo remanend' plenius liquet. Tibi igitur p'fat' T. H. firmiter in- jungend' precipimus qd immediate post receptionem hu- jus hzebis solvas vel solvi fac' p'dict' quer' aut lato- rem p'dict' summam centum & quinq; librarum unius solidi & quatuor denar' tibi ut p'fertur adjudi- cat' secundum tenorem Decreti p'dicti Et hoc sub periculo incumbend' nullatenus omittas Teste &c.

Scire Fac' ad exequend' Decret'.

Rex &c. H. H. Gen' filio & heres H. H. Gen' de- funct' salutem Cum C. R. Gen' etiam defunct' obci- nuisset Decret' Cur' Cancellar' nre versus p'dict' H. H. patrem tuum qd idem H. solveret p'dict' C. summas quadragint' & novem librar' decem solidorum & quinq; denar' ac trigint' & quinq; libras Cumq; p'dict' C. h're nostrum de commissione ad sequestrand' statum real' & personat'

personar dicti patris tui pro satisfactione debi & dampni
 predicti obtinisset sed ante executionem ejusdem statuti
 E. moriebatur & C. R. Vis C. R. & D. R. Admini-
 stratores dicti C. R. breve nostrum de Scire Fac-
 tias ad revivificand decret & commissionem seque-
 strationem predictam sequebantur per ordinem dicte Curie
 nostre decret predict & omnes parcel superinde habet
 ac breve nostrum de Commissionem sequestrand revivi-
 ficat essent Cumq predict H. H. pater tuus nuper
 mortuus est prout ex insinuatione predictorum C. R.
 C. R. & R. D. accepimus Executio tamen Decreti
 & Commissionis predict adhuc restat faciend Et quia
 volumus ea que in dicta Curia nostra rite acta sunt
 debite executioni demandari Tibi precipimus qd om-
 nibus aliis pretermisiss & executione quacumq ces-
 sand in propria persona tua sis coram nobis in dicta
 Cancellaria nostra vicesimo quarto die Octobris prox.
 futur ubicumq tunc fuerit ad ostendend bonam & suf-
 ficiend causam quare decret predict & omnes process
 superinde habet brevem nostrum de commissionem se-
 questrand predict non revivificat essent & in tali vigoze
 versus te starent quali versus patrem tuum nuper
 stabant Et quare debitum predict cum dampnis &
 custag a tempore Decreti predict super reat & per-
 sonar statum quod nuper fuit dicti patris tui non levat
 esset iuxta tenorem cuiusdam ordinis inter predict
 Administratores quer & dictum patrem tuum def. nup
 fact & gerend dat undecimo die Julii ult pterit & ad
 faciend ulterius & recipiend quod dict Curia nra con-
 sideraverit in hac parte Et hoc sub pena centum li-
 bzarum nullatenus omittas Et habeas ibi hoc breve
 Teste &c.

T H E
 Edimus

T H E T A B L E.

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